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**REVISED GUIDELINES FOR
COVERAGE SCREENING AND
STANDARDIZED REQUIREMENTS
UNDER THE PHILIPPINE EIS SYSTEM**

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REVISED GUIDELINES FOR COVERAGE SCREENING AND STANDARDIZED REQUIREMENTS PHILIPPINE EIS SYSTEM

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1. Introduction

The Environmental Impact Statement was introduced in 1977 with the issuance of the Philippine Environmental Policy law through Presidential Decree 1151. The law provides the rationale for the EIS System and led to the issuance of PD 1586 in 1978 that established the Philippine Environmental Impact Statement System (PEISS).

Pursuant to Section 4 of PD 1586, *no person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate (ECC)*. Presidential Proclamations 2146 and 803 have been issued defining the environmentally critical projects (ECP) and environmentally critical areas (ECA).

This Coverage Screening Guidelines is intended to provide clearer and updated technical definitions of ECAs and description of activities or undertakings that are projected to have significant impacts to the environment and therefore covered under the PEISS.

It also provides procedures for determining categories of projects with multiple components and operationalization guide for ECA. Further, project listing and thresholds were updated and organized.

This **PEISS Coverage Screening Guidelines** is essentially divided into 5 sections or chapters. Additional details (e.g., formats) are provided in the various Annexes.

- Section 1 – contains the introduction and a brief discussion of the basic framework of the PEISS.
- Section 2 – contains definition of key terms used in the guidelines
- Section 3 - discusses the scope and coverage. It provides the general technical definitions of ECAs and project types within the ECP category.
- Section 4– discusses the guidelines for coverage screening including numerical parameters in the determination of coverage.
- Section 5 – discusses the documentary requirements for the respective categories of covered projects.

2. Definition of Terms

For the purpose of this Guidelines, the following definitions shall be applied:

- 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.
- 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.
- Environment – Surrounding air, water (both ground and surface), land, flora, fauna, humans and their interrelations.
- 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 has complied with all the requirements of the EIS System and has committed to implement its approved Environmental Management Plan to address the environmental impacts.
- Environmentally Critical Area (ECA) - area delineated through Presidential Proclamation 2146 (1981) 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.
- Environmentally Critical Project (ECP) - project or program that has high potential for significant negative environmental impact as defined under Presidential Proclamation 2146 (1981).
- 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.
- 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.
- Project or Undertaking - any activity, regardless of scale or magnitude, which may have significant impact on the environment.
- Proponent – any natural or juridical person intending to implement a project or undertaking.

- Significant Impacts – impacts which damage the environment to the point that the environmental resource loses its capacity to sustain life or to continue functioning within baseline levels and efficiency; impacts which need action through prevention, (e.g. change in project siting or design) or mitigation (reduce, repair, rehabilitate) or other interventions to protect the environment from being harmed at levels that reduce its functionality for its users or dependent biota.

3. Coverage of the Philippine EIS System

The Philippine EIS System, as a rule, covers undertakings that have significant adverse impact to the environmental quality. *Presidential Proclamation No. 2146, series of 1981*, defines undertakings that are either Environmentally Critical Projects (ECPs) or located in Environmentally Critical Areas (ECAs) as within the scope of the Philippine EIS System. ECPs are categorized as **Category A** while **Category B** are projects that are not classified as **Category A** but are likewise deemed to significantly affect the quality of the environment. An Environmental Compliance Certificate (ECC) has to be secured for projects categorized as Category A and Category B prior to implementation.

Projects or undertakings which are intended to directly enhance the quality of the environment or directly address existing environmental problems are classified under **Category C** while those that do not pose significant environmental impacts are classified as **Category D**.

Following is a description of the Categories:

Category A - projects or undertakings which are classified as environmentally critical projects (ECPs) under Presidential Proclamation No. 2146 (1981), Proclamation No. 803 (1996), and any other projects that may later be declared as such by the President of the Philippines. Proponents of these projects implemented from 1982 onwards are required to secure an Environmental Compliance Certificate (ECC).

Category B – projects or undertakings which are not classified as ECP under **Category A**, but which are likewise deemed to significantly affect the quality of the environment by virtue of being located in Environmentally Critical Area (ECA) as declared under Proclamation 2146 and according to the parameters set forth in the succeeding sections. Proponents of these projects implemented from 1982 onwards are required to secure an ECC.

Category C – projects or undertakings not falling under **Category A** or **B** which are intended to directly enhance the quality of the environment or directly address existing environmental problems.

Category D – projects or undertakings that are deemed unlikely to cause significant adverse impact on the quality of the environment according to the parameters set forth in the Screening Guidelines. These projects are not covered by the Philippine EIS system and are not required to secure an ECC. However, such non-coverage shall not be construed as an exemption from compliance with other environmental laws and government permitting requirements.

Coverage screening for co-located and modification/expansion projects shall follow

the same categorization to determine where the application shall be filed and the corresponding documentary requirement.

The screening process to determine coverage and requirements for projects and undertakings is detailed in Sections 4 and 5.

a. Technical Definitions of Environmentally Critical Projects

In accordance with *Presidential Proclamation No. 2146, series of 1981* and *Proclamation No. 803 (Series of 1996)*, the four (4) main categories of ECPs are (1) *heavy industries*; (2) *resource extractive industries*; (3) *infrastructure projects* and (4) *golf course projects*. Annex A provides for the threshold levels for which projects of these types are considered ECPs, classified as **Category A** which is required to secure an ECC prior to implementation.

The following technical description for the sub-category under each of the ECP categories (as provided in PP No. 2146) shall be referred to in coverage screening.

i. Heavy Industries

Non-Ferrous Metal Industries

“Non-ferrous metal industries” shall refer to the organized and coordinated arrangement of manufacturing processes designed to prepare, smelt, process or recycle non-ferrous metals into marketable products.

Iron and Steel Mills

“Iron and steel mill projects” shall refer to the 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.

Petroleum and Petrochemical Industries

“Petroleum and Petrochemical Industries” shall refer to the organized and coordinated arrangement of manufacturing processes designed to physically and/or chemically transform petroleum and its derivatives into marketable products.

Smelting Plants

“Smelting plant projects” shall refer to the organized and coordinated arrangement of manufacturing processes designed to smelt metals or alloys and cast the same into some special form.

ii. Resource Extractive Industries

Mining and Quarrying Projects

Mining and quarrying projects shall refer to projects involving the extraction and processing of metals, metalliferous ores, fuel, precious stones, clays,

fertilizers and other earth-based materials on a commercial scale.

Forestry Projects

Forestry projects shall refer to projects involving the extraction, harvesting and/or processing of timber and other forest products on a commercial scale.

Dikes for/and Fishpond Development Projects

This refers to natural or artificial water impoundment involving construction of dikes, establishment of fish cages and similar undertakings for aquaculture purposes or salt production.

iii. Infrastructure Projects

Dams

This shall refer to impoundment structures and appurtenances.

Power Plants

This refers to power generating plants, transmission and distribution systems (substations) utilizing, or run by, fossil fuels, geothermal resources, natural river discharge, pondage or pump storage.

Reclamation Projects

This refers to projects which involve the filling or draining of areas (foreshore, marshes, swamps, lakes, rivers, etc.) and restoration/backfilling projects.

Roads and Bridges

This refers to the construction, significant extension, expansion, widening or improvement of national roads, railroads/railways, expressways, tunnels, and bridges.

iv. Golf Course Projects

A **golf course** comprises a series of holes, each consisting of a teeing ground, a fairway, the rough and other hazards, and a green with a flagstick ("pin") and hole ("cup"), all designed for the game of golf.

The thresholds for the above-mentioned types of project or undertaking to be considered as Category A, Category B or Category D are reflected in Annex A.

b. Technical Definitions of Environmentally Critical Areas

In accordance with *Presidential Proclamation No. 2146, series of 1981*, there are twelve (12) main categories of ECAs.

An area is environmentally critical if it exhibits **any** of the characteristics as contained in Table 1. Table 1 likewise provides for the operational guide for each of the ECA

Category.

Table 1. Technical Definition of ECA and corresponding Operationalization Guide

ECA Categories	Operationalization Guide
<p>1. Areas declared by law as national parks, watershed reserves, wildlife preserves, and sanctuaries</p> <ul style="list-style-type: none"> ▪ Areas declared as such under Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act, ▪ Areas declared as such through other issuances from pertinent national and local government agencies such as presidential proclamations and executive orders, local ordinances and international commitments and declarations. 	<ul style="list-style-type: none"> ▪ ECA maps shall be exclusively based on data as provided by: <ul style="list-style-type: none"> ○ BMB (formerly PAWB) from their <i>Registry of NIPAS Protected Areas</i> ○ BMB records of presidential proclamation and executive orders ○ BFAR for the fish sanctuaries ▪ For LGU-declared reserves and other protected areas, the basis shall be a local ordinance passed by the LGU's council (e.g., SP). Such ordinance shall be submitted to BMB for inclusion in a <i>registry</i> to be established by BMB. ▪ Updating of this category shall be done every three (3) years or as may be necessary subject to notification by BMB.
<p>2. Areas set aside as aesthetic, potential tourist spots</p> <ul style="list-style-type: none"> ▪ Aesthetic potential tourist spots declared and reserved by the LGU, DOT or other appropriate authorities for tourism development. ▪ Class 1 and 2 caves as cited in EMB MC 2014-004 and defined under DENR MC 2012-03 and significant caves as may be determined by BMB and EMB 	<ul style="list-style-type: none"> ▪ ECA maps shall be based on data as provided by <ul style="list-style-type: none"> ○ BMB for the significant caves ○ DOT for tourism development area ○ TIEZA for tourism enterprise zone ▪ For LGU-declared tourism areas or zones, the basis shall be a local ordinance passed by the LGU's council (e.g., SP). Such ordinance shall be submitted to DOT/TIEZA for inclusion in a <i>registry</i> to be established by DOT/TIEZA. ▪ Updating of this category shall be done every three (3) years or as may be necessary subject to notification by BMB/DOT/TIEZA.
<p>3. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine Wildlife (flora and fauna)</p> <ul style="list-style-type: none"> ▪ Areas identified as key biodiversity areas (KBAs) by BMB, ▪ Areas declared as Local conservation areas (LCA) through issuances from pertinent national and local government agencies such as presidential proclamations and executive orders, local ordinances and international commitments and declarations. 	<ul style="list-style-type: none"> ▪ ECA maps shall be based on data as provided by <ul style="list-style-type: none"> ○ BMB from their <i>Registry of KBAs</i>. ○ BFAR for significant fishing grounds ▪ For LGU-declared LBAs, the basis shall be a local ordinance passed by the LGU's council (e.g., SP). Such ordinance shall be submitted to BMB for inclusion in a <i>registry</i> to be established by BMB. ▪ Updating of this category shall be done every three (3) years or as may be necessary subject to notification by BMB.
<p>4. Areas of unique historic, archeological, geological, or scientific interests</p> <ul style="list-style-type: none"> ▪ All areas declared as historic site under RA 10066 by the NHCP ▪ The whole barangay or municipality, as may be applicable, where archaeological, paleontological and anthropological sites/reservations are located as proclaimed by the National Museum. ▪ The whole barangay or municipality, as may be applicable, of cultural and scientific significance to the nation as recognized through national or local laws or ordinances (e.g. declared geological monuments and scientific research areas and areas with cultural heritage significance as declared by the LGUs or NCCA) 	<ul style="list-style-type: none"> ▪ ECA maps shall be based on data as provided by <ul style="list-style-type: none"> ○ NHCP for historical centers/zones ○ National Museum (for archaeological, paleontological and anthropological sites) ○ MGB (for geological monuments). ▪ For LGU-declared zones/areas, the basis shall be a local ordinance passed by the LGU's council (e.g., SP). Such ordinance shall be submitted to NHI/NM/MGB for inclusion in a <i>registry</i> to be established by the agency. ▪ Updating of this category shall be done every three (3) years or as may be necessary subject to notification by the agency concerned.
<p>5. Areas which are traditionally occupied by cultural communities or tribes</p> <ul style="list-style-type: none"> ▪ Areas issued Certificate of Ancestral Domain Title (CADT) or Certificate of Ancestral Land Title (CALT) by National Commission on Indigenous Peoples (NCIP) ▪ Areas issued Certificate of Ancestral Domain Claim (CADC) or Certificate of Ancestral Land Claim (CALC) by the DENR ▪ Areas that are historically/traditionally occupied as ancestral lands or ancestral domains by indigenous communities as documented in reputable publications or certified by NCIP 	<ul style="list-style-type: none"> ▪ ECA maps shall be based on data as provided by NCIP (for CADT and CALT) and DENR (for CADC and CALC) ▪ Updating of this category shall be done every three (3) years or as may be necessary subject to notification by NCIP or DENR.

ECA Categories	Operationalization Guide
<p>6. Areas frequently visited and or hard-hit by natural calamities</p> <p>The area shall be so characterized if any of the following conditions exist:</p>	
<p>6.1 Geologic hazard areas:</p> <ul style="list-style-type: none"> ▪ Areas classified by the MGB as susceptible to landslide; ▪ Areas identified as prone to land subsidence and ground settling; areas with sinkholes and sags as determined by the MGB or as certified by other competent authorities 	<ul style="list-style-type: none"> • ECA maps shall be based on data as provided by MGB. • Updating of this category shall be done every three (3) years or as may be necessary subject to notification by MGB.
<p>6.2 Flood-prone areas:</p> <ul style="list-style-type: none"> ▪ Areas with identified or classified by MGB or PAGASA as susceptible or prone to flood 	<ul style="list-style-type: none"> • ECA maps shall be based on data as provided by MGB or PAGASA. • Updating of this category shall be done every three (3) years or as may be necessary subject to notification by MGB or PAGASA.
<p>6.3 Areas frequently visited or hard-hit by typhoons:</p> <ul style="list-style-type: none"> ▪ For purposes of coverage, depressions, storms and typhoons will be covered in the category. ▪ This shall refer to all provinces affected by a tropical cyclone in the past. 	<ul style="list-style-type: none"> ▪ ECA maps shall be based on data as provided by PAGASA (Tropical Cyclone Frequency Map). ▪ Updating of this category shall be done every three (3) years or as may be necessary subject to notification by PAGASA.
<p>6.4 Areas prone to volcanic activities/earthquakes:</p> <ul style="list-style-type: none"> ▪ This refers to all areas around active volcanoes designated by Philippine Institute of Volcanology and Seismology (PHIVOLCS) as Permanent Danger Zone as well as areas delineated to be prone to pyroclastic flow hazard, lava flow hazard, lahar hazard and other volcanic hazard as found applicable per active volcano. ▪ This refers to all areas identified by Philippine Institute of Volcanology and Seismology (PHIVOLCS) to be transected by active faults and their corresponding recommended buffer zones, as well as areas delineated to be prone to ground-shaking hazard, liquefaction hazard, earthquake-triggered landslide hazard and tsunami hazard. 	<ul style="list-style-type: none"> • ECA maps shall be based on data as provided by PHIVOLCS. • Updating of this category shall be done every three (3) years or as may be necessary subject to notification by PHIVOLCS.
<p>7. Areas with critical slope</p> <p>This shall refer to all lands with slope of 50% or more as determined from the latest official topographic map from NAMRIA</p>	<ul style="list-style-type: none"> • ECA maps shall be based on data as provided by NAMRIA. • Updating of this category shall be done as may be necessary.
<p>8. Areas classified as prime agricultural lands</p> <p>Prime Agricultural lands shall refer to lands that can be used for various or specific agricultural activities and can provide optimum sustainable yield with a minimum of inputs and developments costs as determined by DA, NIA or concerned LGU through their zoning ordinance.</p>	<ul style="list-style-type: none"> • ECA maps shall be based on data as provided by • NIA for irrigated and/or irrigable lands • BSWM for prime agricultural land based on land suitability maps • Updating of this category shall be done every three (3) years or as may be necessary subject to notification by DA/NIA.
<p>9. Recharge areas of aquifers</p> <ul style="list-style-type: none"> ▪ Recharge areas of aquifers shall refer to sources of water replenishment where rainwater or seepage actually enters the aquifers. ▪ Areas under this classification shall be limited to all local or non-national watersheds and geothermal reservations 	<ul style="list-style-type: none"> • ECA maps shall be based on data as provided by: • DOE for geothermal reservations • NWRB for aquifers/recharge areas • Updating of this category shall be done every three (3) years or as may be necessary subject to notification by DOE and/or NWRB.
<p>10. Water bodies</p> <p>All natural water bodies (e.g., rivers, lake, bay) that have been classified or not.</p>	<ul style="list-style-type: none"> • ECA maps shall be based on data as provided by EMB. • Updating of this category shall be done every three (3) years or as may be necessary subject to notification by EMB.

ECA Categories	Operationalization Guide
11. Mangrove Areas Mangrove areas as mapped or identified by DENR.	<ul style="list-style-type: none"> • ECA maps shall be based on data as provided by BMB. • For mangrove areas managed by LGUs, the basis shall be a local ordinance passed by the LGU's council (e.g., SP). Such ordinance shall be submitted to BMB for inclusion in a <i>registry</i> to be established by BMB. • Updating of this category shall be done every three (3) years or as may be necessary subject to notification by BMB.
12. Coral Reefs Coral reefs as mapped or identified by DENR and/or DA-BFAR.	<ul style="list-style-type: none"> • ECA maps shall be based on data as provided by BMB and/or DA-BFAR. • Updating of this category shall be done every three (3) years or as may be necessary subject to notification by BMB and/or DA-BFAR.

4. Guidelines for Coverage Screening

Screening is the first key decision of the EIA process. Guidelines on coverage screening is necessary because of the large number of projects and activities that are potentially subject to EIA. The purpose of screening is to determine whether a proposal requires an EIA or not. It is intended to ensure that the form or level of any EIA is commensurate with the importance of the environmental issues.

Screening also determines what document type the proponent will prepare and submit to EMB for ECC application as well as the endorsing and decision authorities.

a. Determining whether a project is within an ECA

An area is environmentally critical if it exhibits **any** of the characteristics as enumerated in Section 3-b of this Guideline and/or falls within the ECA as mapped by EMB. For purposes of coverage screening, the geographic coordinates shall be provided to determine if the proposed location of the project or undertaking is within ECA. Further, the location of the project in relation to a designated environmentally critical area/s (ECA) shall be included in the discussion of project impact and the design of the Environmental Management Plan (EMP) for ECC applications.

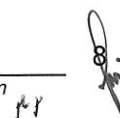
b. Determining Coverage for Single Component projects or undertakings

To expediently screen proposed projects/undertakings that may be covered by the EIS system, thus required to secure ECC, a ready matrix for determining the category in which proposed projects fall is attached as *Annex A*. The categorization in the matrix was based on the *significance of the projected impacts on the quality of the environment* as provided in PD 1151 and PD 1586. Criteria used in the categorization includes, among others, the likelihood, duration, frequency and magnitude of the potential impact as well as the spatial and temporal extent of the projected impact.

i. Project Thresholds for Coverage Screening and Categorization

The following describes the columns in the matrix:

Column 1: Lists different project types classified according to the



technical definition of ECPs provided in PP 2146 and other project types.

- Column 2: Provide the thresholds of the projects listed in column 1 that are considered **ECP**. Such projects are deemed as **Category A** projects
- Column 3 & 4 : Provide the thresholds of the projects listed in column 1 that are not considered **ECP** but poses significant impact to the environment. Such projects are deemed as **Category B** projects. Those falling under column 3 are required to prepare an EIS while those falling under column 4 are required to prepare IEE Checklist Report for ECC applications.
- Column 5 : Provide the thresholds of projects listed in column 1 that are deemed unlikely to cause significant adverse impact on the quality of the environment, hence are not covered by the ECC requirement and classified as **Category D**.
- Column 6 : provide the unit of measure for the thresholds or other clarificatory remarks

ii. Environmental Enhancement Projects

A project intended to directly enhance the quality of the environment or directly address existing environmental problems *may be* classified under **Category C**. Proponents are required to submit a project description (see **Annex C** for the format/outline) to determine if the project or undertaking:

- falls under **Category C** hence, may be issued of *Certificate of Non-Coverage (CNC)* or
- falls under **Category A** or **B** which requires an ECC

iii. Gray areas in Project Categorization

The sub-categories in Column 1 of Annex A is not exclusive and may be further re-defined from time to time. Rapid technological advancement makes it impossible to name all potential projects that may have significant negative impact on the environment.

Projects which do not fall in the description of projects in Column 1 of Annex A including those which introduce new technologies or processes shall be categorized based on the most similar type of project. Submission of a project description may be required for further screening and classification into the categories by the EMB Central or Regional Offices.

The more stringent requirement shall apply to projects which fall in more than one project type classification in Annex A.

Projects previously covered by the Philippine EIS System under previous issuances but were **excluded** by a *subsequent* issuance shall be deemed **not covered** (Category D). For these projects, the EMB Regional Office may initiate relief from ECC commitments.

c. Determining Categories Multiple Components projects

The procedures under this section shall apply to new projects and/or proposed major expansion, rehabilitation, and/or modification of existing projects as well as resumption of projects that have stopped operations for a prolonged period. The categorization shall be based on all components of the entire project (i.e., both existing and new/proposed).

Components are defined as facilities, modules or parts of a project whose viability and existence depend exclusively on the project and/or whose outputs, goods or services are essential for successful operation of the entire project

Stand-alone project consists of single facility or module that can function independently.

For projects with multiple components, the following screening procedures shall serve as a guide for EMB and the project proponent:

1. The category of each component shall be determined using the guidelines described above (*Section 4-b*).
2. The category for the project with multiple components shall be determined by the *highest* category. For example:

Component/Category		Project Category
Component 1	Category A	Category A
Component 2	Category B	
Component 3	Category C	
Component 1	Category B	Category B
Component 2	Category C	
Component 3	Category D	
Component 4	Category D	
Component 1	Category A	Category A
Component 2	Category C	

3. For project with multiple components falling under a single category (**Category B**) but with the same or different report requirements, the following rules shall be applied to determine report requirement:

- For project with multiple components requiring different report format (see *example*), an EIS report shall be the required submission.

Component/Category		Report Requirement
Component 1	Category B	EIS
Component 2	Category B	IEE Checklist
Component 3	Category B	IEE Checklist

- For project with multiple components with each component requiring IEE Checklist only, for example:

Component/Category		Report Requirement
Component 1	Category B	IEE Checklist
Component 2	Category B	IEE Checklist
Component 3	Category B	IEE Checklist

An EIS Score shall be computed using the following formula:

$$\text{Coverage Report Requirement Total Score} = \frac{q_1}{Q_1} + \frac{q_2}{Q_2} + \dots + \frac{q_n}{Q_n}$$

where: q_i = the capacity of component (i)
 Q_i = the capacity threshold for component (i)

If the *Total Score* \geq 1.0, then an EIS report shall be the required submission.

Example:

Component	Capacity	Threshold (Attachment A)	Report Requirement
Component 1	70 heads	100 heads	EIS (Total EIS Score is 2.08 which is greater than 1.0)
Component 2	100 MT	150 MT	
Component 3	500 L	700 L	

$$\begin{aligned} \text{Coverage Report Requirement Total Score} &= \frac{70}{100} + \frac{100}{150} + \frac{500}{700} \\ &= 0.70 + 0.67 + 0.71 \\ &= 2.08 \end{aligned}$$

d. Determining Categories for Co-located Facilities (opting for Programmatic ECC)

Categorization of co-located facilities under a single proponent or administrator shall be based on the following:

Category A: At least 1 prospective locator is classified as ECP or covers 100 hectares or more in total land area;

Category B: All of the prospective locators are non-ECP and covers less than 100 hectares in total land area;

e. Determining Categories for Existing Projects for Expansion/Modification

Existing projects that will undertake expansion, rehabilitation and/or modification shall request EMB for amendment of ECC.

i. Major and Minor ECC Amendments

The requested amendment is considered **major** when the modification is envisaged to have an additional and significant negative/adverse impact to

environment. Likewise, the updating or revision of EMP alone cannot sufficiently address impacts arising from such modification. On the other hand, the requested amendment is considered *minor* when modification has no or negligible adverse impact to environment or those that can be addressed by existing or modified EMP. Also considered *minor* amendments are request for change in name, address and similar administrative matters.

Below are modifications that can be considered as major and minor amendments of ECC:

Examples of Major Amendment
<ol style="list-style-type: none"> 1. Expansion of project area outside the catchment or environment as described in the original EIA Report 2. Increase in the project size parameter by more than the corresponding coverage thresholds as indicated in Annex A 3. Other types of changes which makes the EMP in the original EIA Report inadequate to address identified significant adverse environmental impacts (<i>Annex B provides a more detailed description of sample scenarios under this</i>)
Examples of Minor Amendment
<ol style="list-style-type: none"> 1. Typographical error 2. Extension of deadlines for submission of post ECC requirements 3. Extension of ECC validity (<i>should be filed three months prior to expiration</i>) 4. Change in company name / ownership 5. Decrease in land/project area or production capacity 6. Change in project layout within the same project study area without changes in process/production capacity 7. Inclusion of components/ or facilities that will not pose negative impact to the environment
Other amendments shall be deemed “major” or “minor” based on determination by the EMB.

Major ECC amendments may either require a new ECC or an amendment to the major conditions of the original ECC. Annex B provides summary of decision chart to determine the requirements of ECC amendment for project modification. The decision chart is an updated version of Annex 2-1c of the Revised Procedural Manual of DENR AO 2003 – 30.

ii. Categorization of Projects for Expansion / Modification

In determining the category of projects for expansion in terms of capacity, the **total capacity** of the existing and proposed expansion shall be compared against the thresholds indicated in Annex A. ECC applications for projects originally classified as **Category B** but are re-classified as **Category A** based on the total/revised capacity shall be processed at the EMB Central Office. In such case, the EMB ROs shall turn over the original ECC application process documentation to the EMB Central Office.

For categorization of expansion in terms of additional components, Section 4-c shall be followed. If individual ECC has been issued for the various components, the ECC shall preferably be consolidated.

f. Projects operating prior to 1982

Projects that were operational prior to 1982 are essentially not covered by the Philippine EIS System (**Category D**) provided it complies with all the restrictions, hereunder enumerated:

- ✓ The existing process or operation prior to 1982 was not expanded in terms of production capacity (volume of output; number of product lines) or area (the area of expansion is located in an environmentally critical area). For example, an old sugar mill (established prior to 1982) deciding to put up a sugar refinery plant or an alcohol distillery plant as part of its expansion program shall not qualify under this *non-coverage*.
- ✓ The project had not stopped operation for a continuous period of more than two (2) years since 1982. For example, a fruit processing plant that started operations prior to 1982 but closed in 2009, its resumption of services or operations in 2012 shall be covered by the EIS System.
- ✓ The technology/production method or manufacturing process/operation used prior to 1982 was not modified.
- ✓ The existing project facilities or structures prior to 1982 were not changed, rehabilitated or added to. For example, dismantling of facilities (part or entire) and constructing new with the same capacity, size and technology is covered by the EIS System.

g. Projects that have stopped operation for more than 5 years

Projects that have stopped operation for five (5) years or less are not required to notify EMB provided the CMR had been regularly submitted.

Projects that have stopped operation for more than five (5) years are not required to obtain a new ECC provided all of the following conditions are met:

- ✓ CMR/CMVR had continuously been submitted or an official request for suspension of the CMR/CMVR had been approved by EMB.
- ✓ No request for relief and/or cancellation of ECC had been approved.
- ✓ The resumption of operation will not involve expansion in terms of production capacity (volume of output; number of product lines) or area.
- ✓ The resumption of operation will not involve changes or modification in technology/production method or manufacturing process/operation used.
- ✓ There is no change in ownership or corporate dissolution.

Otherwise, an application for *new* ECC had to be filed and approved prior to resumption of operation.

A project is deemed to have stopped operation when all of the following conditions are met:

- ✓ All production, processing or manufacturing activities have ceased.

- ✓ The absence of any emission or discharges except those attributed to domestic activities of maintenance or administrative personnel only.

Maintenance and care program duly acknowledged by MGB for mining projects is considered non stoppage of operation.

h. Projects that were not implemented within ECC Effectivity

The ECC issued will be considered not valid if the project is not implemented within five (5) years unless otherwise specified in the ECC. The proponent is required to apply for new ECC if he has intention to implement the project.

EMB considered that the project is implemented once site development or clearing operations (i.e., demolition/relocation of informal settlers) started. CSR/SDP activities and the like will not be considered as project implementation.

i. Determination of Jurisdiction over Non-ECP Projects

Projects or undertakings that are not environmentally critical shall be under the jurisdiction of the DENR-EMB Regional Office where the project is located. All EIA report submissions for non ECPs whether an IEE Checklist or EIS shall be received and evaluated by the DENR-EMB Regional Office concerned.

In case the project will be located in an area which falls under the jurisdiction of two (2) or more DENR-EMB Regional Offices, the offices concerned shall by themselves determine their respective participation in evaluating the EIA. The DENR-EMB RO under whose jurisdiction majority of the project area is located will be the lead office in evaluating the EIA submissions and have jurisdiction to decide on the ECC application.

The ECC issuing office shall also have the responsibility for compliance monitoring and other subsequent activities under the EIS System. The other DENR-EMB RO/s concerned shall assist and participate in the review of the EIA submissions as well as in compliance monitoring. The DENR-EMB ROs concerned shall agree upon the mode of collaboration.

In cases where the DENR-EMB ROs concerned cannot determine the lead office, the case shall be elevated to the EMB Director for resolution. The decision of the EMB Director shall be final. Furthermore, in cases where the issue of jurisdiction is difficult to determine (e.g., the project is located in territorial water which is not or is not clearly within the jurisdiction of any DENR EMB-RO), the EMB Director may assign the nearest DENR-EMB RO as the lead office.

The following illustrative cases provide basic guidance on how the DENR ROs shall decide the issue of jurisdiction:

Parameters: Region A covers provinces X and Y Region B covers provinces L and M		
Case	Situation	Jurisdiction
1	<ul style="list-style-type: none"> • project is located in province X • impact area covers provinces X and Y 	Region A