

Chapter Five

THE EIS REVIEW PROCESS

DENR has developed a system to make the EIA review process as systematic, as efficient, and as transparent as possible. The scheme adopted, as enunciated under DAO 96-37, is a two-stage EIA review process. The first stage is a procedural review to be conducted by the receiving staff of DENR. The second stage is a substantive review to be performed by an EIARC in the case of EIS, or the EMPAS in the case of IEE.

1. Procedural Review

As per Sections 10 and 20 Article III of DAO 96-37, upon receipt of the EIS or IEE submitted by the proponent, the DENR shall determine the completeness of the documents. If the documents are found to be incomplete or in need of revision, the same shall be immediately returned to the proponent for completion or revision.

The purpose of the first-stage procedural review is to screen the EIA document (EIS or IEE) and determine whether it complied with the required procedures and content. DENR's examination of the EIA document at this stage is based on the following criteria:

- Completeness of information
- Order of presentation of information

At this stage, full compliance with minimum requirements shall be imposed before the EIA document can be reviewed substantially. As mentioned in the chapter on Scoping, data are categorized critical, essential and added value. As such, no EIA document shall pass the Procedural Review if critical information are not complete. Also, information classified as essential must be substantially complete.

2. Substantive Review

DAO 96-37 provides that upon passing the procedural review, the EIA documents is accepted for substantive evaluation by the EIARC or the EMPAS in order to assess the quality of the EIA. The reviewers are tasked to examine the document on the basis of criteria such as:

- Clarity of presentation
- Balance in presentation and assessment
- Accuracy of information and assessment
- Precision of information and assessment

Clarity. The EIS document is intended to communicate the results of the EIA to a wide range of stakeholders including regulators, evaluators from various disciplines and professions, decision makers, affected communities, and the general public. It should therefore be written in such a way that it is easily understood.

Balance. There are many ways by which balance can be gauged. An EIS document is balanced if it is devoid of bias in the presentation and analysis of data. It is not supposed to provide justifications for pre-conceived conclusions in favor of any interest group. Moreover, the EIS document should demonstrate a balanced treatment of descriptive and analytical discussion. Facts or data and their meaning or interpretation should be presented in tandem; one without the other will not withstand scientific scrutiny.

Accuracy and Precision. These are universal criteria that need to be satisfied in any form of scientific inquiry or investigation. All analytical data presented in the EIS should satisfy the prescribed levels of accuracy and precision as derived from established statistical tools and methods. Furthermore, all the baseline characterization methods (such as sampling, survey and testing procedures), as well as impact prediction tools and techniques (such modeling techniques, field tests and laboratory experiments) used in the EIA study will be scrutinized not only for statistical, but also for scientific soundness.

Section 7.0 of Article III. Submission of EIS

Upon Completion of the EIA Study, the proponent shall submit at least ten (10) legible copies of the EIA and a complete electronic file in computer diskettes to the EMB for review. The EMB may require the proponent to submit additional copies as necessary.

The proponent shall likewise furnish a copy of the EIS to the Offices of the Undersecretary handling the environment, the concerned Regional Executive Director, PENRO, CENRO and the Municipal/City Mayor where the project is proposed to be located.

- *The EIS should conform to the annotated EIS outline and satisfy prescribed procedural and substantive criteria. It should also include information and analyses as agreed upon in the Agreed Scope under the Formal Scoping Report.*
- *Additional copies for the Office of the Undersecretary, RED, PENRO, CENRO and LGUs shall be distributed only after the EIS submissions had undergone and passed the procedural review.*
- *EIS submissions in diskette form must conform to the format prescribed herein.*

Upon approval of the *Agreed Scope* as contained in the *Formal Scoping Report*, the next step is the preparation and writing of the EIS document. The EIS should conform to the annotated EIS outline and must satisfy prescribed procedural and substantive criteria as listed in the Screening Form (see discussions in succeeding sections for details) It should also contain the information and analyses identified in the agreed upon scope under the approved Formal Scoping Report.

The proponent shall submit only one (1) copy for procedural review. The proponent shall submit the required number of copies only after passing the procedural review.

Under Section 7, Article III of DAO 96-37, the proponent shall submit ten (10) copies of the EIS. EMB may require the proponent to submit additional copies as necessary.

In addition, the proponent shall furnish the following offices with a copy of the EIS as required under the DAO:

- *Office of the Undersecretary for Environment and Programs Development (2/F DENR Building, Visayas Ave., Quezon City);*
- *DENR Regional Executive Director - the proponent shall provide the DENR RED who has jurisdiction over the project site with a copy of the EIS. When the project site covers several regions, then the DENR REDs of these regions shall each be provided with a copy of the EIS;*
- *Office of the PENRO - the proponent shall provide the PENRO who has jurisdiction over the project site with a copy of the EIS. When the project site covers several provinces, then the PENROs of these provinces shall each be provided a copy of the EIS;*
- *Office of the CENRO - the proponent shall provide the CENRO who has jurisdiction over the project*

site with a copy of the EIS. When the project site covers several districts or areas, then the CENROs of these districts or areas shall each be provided with a copy of the EIS; and

- *Office of the Municipal or City Mayor* - the proponent shall provide the Mayor of the municipality or city who has jurisdiction over the project site with a copy of the EIS. When the project site covers several municipalities or cities, then the Mayors of these municipalities or cities shall each be provided with a copy of the EIS. The copy shall be submitted to the respective Environmental Unit/s if available, or through the MPDO or Planning Officer. Likewise, for project covering several municipalities, the Provincial Governor shall be provided a copy of the EIS through the PPDO.

In order to ensure that the copy that will be received by these offices had passed the procedural review, the copies intended for these recipient should bear the "RECEIVE" stamp of EMB or DENR RO concerned before they are distributed to the appropriate office(s) or person(s). Copies of proofs of receipt or acknowledgment receipts shall be submitted to EMB or DENR RO within fifteen (15) calendar days of the acceptance or receipt of the EIS submissions by EMB or DENR RO concerned.

No substantive review by the EIARC shall be undertaken until such time that EMB or DENR RO had received acknowledgment receipts of the additional copies. The *time lost* (in excess of fifteen days allocated for convening the EIARC) as a result of such delays shall not be counted in the timeframe allotted for convening the EIARC.

The proponent shall also submit to EMB or DENR RO, along with the hard copy reports, two (2) sets of a complete electronic file of the EIS in computer diskettes. The following are required for the computer file:

- file shall be contained in 3.5 high density diskettes formatted in DOS Version 5.0 or Window-based (or later versions) and readable using IBM or equivalent compatible PCs;
- a written listing of filenames and their contents;

- indicate computer software and versions used for word processing (such as Word Perfect Version 6, Microsoft Word Version 7 or later version) and quantitative analyses or tables (such as Lotus 123 release 3, Excel or Quattro Pro).

Section 9.0 of Article III: Contents of the EIS

Subject to the agreed-upon scope described in Section 5.0, Article III and the Procedural Manual, an EIS shall at least contain the following basic items:

- a. Project Description, including data on project location, specifically describing the primary and secondary impact zones, project rationale, alternatives, including alternative sites or actions, no action alternatives, and project phases;*
- b. Scoping Report;*
- c. Baseline Environmental Conditions for land, air, and people;*
- d. Impact Assessment, including a discussion of the impact of the project or undertaking on the environment and public health;*
- e. Environmental Risk Assessment, when appropriate;*
- f. Environmental Management Plan;*
- g. Proposals for Environmental Monitoring and Guarantee Funds when required;*
- h. Supporting Documents, such as documents on social acceptability, process of public participation, technical and socio-economic data used, gathered, or generated; and*
- i. Accountability Statements of the preparer and the proponent.*
- j. For projects located in ancestral lands or domains, as defined under DAO No. 2, series of 1993, or subsequently by law, of indigenous communities, a specific chapter in the socio-economic impact assessment shall be devoted to a discussion of indigenous peoples' concerns and possible socio-economic, political and cultural impacts of the proposed project on such people.*
- k. For projects or undertakings with significant impact on women, a specific chapter in the socio-economic impact assessment shall be devoted to a discussion and consideration of gender issues.*
- l. For projects or undertakings with significant impact on population, a specific chapter on the socio-economic impact*

assessment shall be devoted to a discussion of the relationship among population, development, and the environment.

The EIS must conform to the annotated outline and must include the required information and analyses as contained in the **agreed scope**. The procedural and substantive Screening Form may also be used as reference in the preparation of the EIS. The general format of the annotated outline is presented below:

- I. TABLE OF CONTENTS
- II. EXECUTIVE SUMMARY
 - A. Brief Introduction
 - B. Brief Description of Methodology and Profile of EIA Team
 - C. Scope and Limitation of the EIA Study
 - D. Brief Project Description
 - E. Brief Description of Baseline Environmental Conditions
 - F. Matrix of Issues and Impacts Raised During the Scoping and Consultations
 - G. Matrix of Major Impacts, and Mitigation/Enhancement Measures with Summary Discussion
 - H. Matrix of Environmental Management Plan with Summary Discussion
 - I. Matrix of Environmental Monitoring Plan with Summary Discussion
 - J. Proposal of Environmental Guarantee and Monitoring Fund Scheme (when applicable)
 - K. Summary of Process Documentation Report, and
 - L. Summary of Commitments, Agreements (or both) and Proofs of Social Acceptability
- III. INTRODUCTION
 - A. Project Background
 - B. EIA Approach and Methodology
 - C. EIA Process Documentation
 - D. EIA Team
 - E. EIA Study Schedule
- IV. PROJECT DESCRIPTION
 - A. Project Rationale

- B. Project Alternatives
- C. Project Location
- D. Project Information
- E. Description of Project Phases
 - 1. Pre-construction/operational phase
 - 2. Construction phase
 - 3. Operational phase
 - 4. Abandonment phase
- V. BASELINE ENVIRONMENTAL CONDITIONS
 - A. Physical Environment
 - 1. Geology and geomorphology
 - 2. Hydrology and hydrogeology
 - 3. Pedology and land use
 - 4. Water quality and limnology
 - 5. Meteorology
 - 6. Air and noise quality
 - 7. Oceanography
 - B. Biological Environment
 - 1. Terrestrial flora and fauna
 - 2i. Marine biology
 - C. Socio-Cultural, Economic and Political Environment
- VI. FUTURE ENVIRONMENTAL CONDITIONS WITHOUT THE PROJECT
- VII. IMPACT ASSESSMENT AND MITIGATION
 - A. Physical/Chemical Effects
 - 1. Land
 - 2. Water
 - 3. Air
 - B. Biological/Ecological Effects
 - 1. Terrestrial flora and fauna
 - 2. Aquatic flora and fauna
 - C. Aesthetic and Visual Effects
 - D. Socio-Cultural and Economic Effects

1. Population
2. Labor and employment
3. Housing and social services
4. Infrastructure and public utilities
5. Health and education
6. Culture and lifestyle
7. Livelihood and income
8. Archeological/anthropological/historical sites
- E. Mitigation and Enhancement Measures
- F. Residual and Unavoidable Impacts
- VIII. ENVIRONMENTAL RISK ASSESSMENT (WHEN APPLICABLE)
- IX. ENVIRONMENTAL MANAGEMENT PLAN
 - A. Construction/Contractors Environmental Program
 - B. Social Development Program
 - C. Contingency/Emergency Response Plan
 - D. Risk Management Program
 - E. Abandonment Plan (when applicable)
 - F. Environmental Monitoring Plan
- X. ENVIRONMENTAL GUARANTEE AND MONITORING FUND PROPOSAL
- XI. COMMITMENTS AND AGREEMENTS
- XII. BIBLIOGRAPHY/REFERENCES

Attachments or Annexes

- List of EIS Preparers with specified field of expertise
- Original Sworn Accountability Statement of Key EIS Consultants (Annex 4-E)
- Original Sworn Accountability Statement of Proponent (Annex 4-F)
- Photos or plates of proposed project site, impact areas and affected areas and communities
- Process Documentation Report
- Formal Scoping Report
- Summary of Proof of Social Acceptability
- Maps/photos/plates/diagrams/sketches

All projects or undertakings covered by the EIS System and classified by the Department of Health (DOH) as Health Sensitive Projects or located in Health Sensitive Areas (Implementing Rules and Regulations, Chapter XX of PD 856) shall include a chapter on Environmental Health Impact Assessment (EHIA). The EHIA Chapter shall contain, among others, the following information:

- Health and Sanitation Information of the Affected Community
- Environmental Health Impact Analysis/Assessment
- Proposed Control and Mitigating Measures for the Environmental Health Impacts Identified.

Non-conformance with the prescribed outline may lead to unnecessary delays, and as such, should be avoided.

Section 10.0 of Article III: Initial Review of EIS Document

Upon receipt of the EIS, the EMB shall immediately determine the completeness of the documents submitted by the proponents. If the documents are found to be incomplete or in need of revision, the same shall be immediately returned to the proponent for completion or revision.

- *The Initial Review of the EIS documents, otherwise known as **Procedural Review**, determines the completeness of information contained in the EIS and its conformance with the prescribed outline. The review is based on the results of the scoping activities conducted, DENR scoping guidelines for that particular project, and the Procedural Screening Form.*
- *The Screening Officer of the DENR shall be responsible for the procedural review of the EIS submitted by the proponent and for making recommendations on the acceptance and non-acceptance of the document.*

The EIA Review Process is a critical component of the EIA process since this is the activity upon which the decision to grant or deny the issuance of an ECC to a particular project, is determined. It is here where the fate of a project lies. Hence, it is very important that proper procedures are observed and the review is conducted with utmost proficiency.

The steps for Procedural Review are as follows:

1. Upon completion of the EIS study, the proponent shall submit one (1) set of EIS document for procedural review by EMB or the concerned DENR RO. A duly

accomplished Procedural Screening Form shall accompany the EIS submission.

2. The Procedural Screening Form shall be modified or revised to incorporate the requirements as identified in the agreed upon scope of the Formal Scoping Report.
3. Upon presentation/submission of the EIS documents, the Screening Officer shall immediately determine its completeness and conformance with the prescribed outline. The Screening Officer shall use the Procedural Review Screening Form as the basis of screening. To facilitate the process, the Screening Officer as a reference may use the form accomplished by the proponent.

Immediate determination shall mean completion of Procedural Review within three (3) working days from submission.

4. The Screening Officer shall accomplish three (3) sets of the Procedural Review Screening Form. One copy shall be given to the proponent, the Screening Officer shall retain one copy, and one copy shall be kept as *File Copy* of the EIA Division/Unit/Section concerned.
 - The receiving officer shall indicate, through a check/tick mark under the YES, NO or NOT APPLICABLE column, the presence or absence of a particular information required. For check/tick mark under the NOT APPLICABLE column, the basis or justification shall be cited under the REMARKS column.
 - The receiving officer shall indicate under the location column the appropriate section, chapter, and page where the particular information is located.
 - If the EIS documents are complete, they will be formally accepted. The proponent will be notified of the acceptance by furnishing him a copy of the accomplished procedural form duly signed by the Screening Officer.
 - If they are incomplete, the EIS documents shall be immediately returned to the proponent for revision or submission of the missing

requirement. The reason for non-acceptance shall be stated in writing at the appropriate place in the form.

The Screening Officer shall determine the completeness of the submitted document. Preliminary judgment may be made on the presentation or adequacy of the information contained in the EIS. However, no final judgment shall be made on the accuracy or adequacy of the information in the EIS.

5. If the EIS document has complied with all the requirements prescribed in the screening form, the proponent shall submit ten (10) copies of the documents (20 copies for golf course projects) to EMB or DENR RO concerned.

The proponent shall pay the necessary amount (see also Chapter 11 on review cost) upon submitting the required number of copies to the Record Section of EMB. In the case of DENR-RO, submissions shall be made to the EIA Division/Section/Unit Head after payment of the appropriate fee.

All EIS submissions not going through the said standard procedures shall not be considered as applications and, therefore, shall not be used as basis for recommendation on the issuance or denial of the Environmental Compliance Certificate (ECC).

Section 11.0 of Article II: Convening of, and Endorsement to, the EIARC

Within 15 days from the date of submission of the EIS, the EMB shall convene the EIARC and endorse the EIS to the said body for substantive review

DENR shall convene an independent review group of professionals from the academe, EIA practitioners, and national government agencies to constitute the EIA Review Committee (EIARC) for each submitted EIS. The EIARC will be responsible for undertaking the substantive review of the EIS submitted by the proponent.

Since the review process is a crucial point in the EIA process, it requires the participation of qualified individuals with proven probity to conduct the review objectively and professionally. Below are the general criteria in selecting members of the Review Committee:

1. The person shall be a qualified reviewer or has been recommended by an institution that has been tasked by DENR to identify potential EIARC members, such as the Department of Science and Technology or the Development Academy of the Philippines.
2. The person is not a part of the EIA team or firm that prepared the EIS under review, or is not involved, in any way, in the preparation of the study.
3. The person's field of expertise is relevant to the project being reviewed.
4. The person is not a staff or employee of the concerned national government agency. For example, a person from the Department of Energy should not review an energy project. The person, however, may be invited as a resource person of the Review Committee.
5. The person is neither a present nor previous employee/consultant of the proponent of the project. In the case of previous employee, the person must not have been connected with the company of the proponent for the past 1 year or less.

A more detailed guidelines and procedures in the selection of a reviewer can be found in the manual prepared by the Development Academy of the Philippines (DAP) and EMB on the subject matter.

In order to fulfill the intention of Section 11 of Article III, EMB or the DENR RO concerned should ideally be able to accomplish the following tasks during the 15 day timeframe:

- **Convene the members of the EIARC**

The selection of the members of the EIARC may be initiated as early as the submission of the EIS document by the preparer or proponent for procedural review. This will allow the receiving office ample time to convene the EIARC.

The appointment of the EIARC members shall have the approval of the EMB Director or EMPAS RTD.

As a general rule, the EIARC shall be composed of the Chair, and 2 - 4 members, depending on the magnitude of the project. The organization of an

EIARC with more than five (5) members shall require the prior approval of the Undersecretary for Environment and Programs Development.

- **Distribute the copy of the EIS documents to each member of the EIARC.**

As a general rule, the EIS documents should have been distributed and reviewed by the members of the EIARC within fifteen (15) days and, preferably, a week before the scheduled first EIARC meeting.

- **Schedule the first meeting of the EIARC**

In convening the EIARC, the memorandum shall include the schedule of the first meeting. Under ideal conditions, the first meeting should coincide with the end of the 15-day period provided under DAO 96-37 for convening the EIARC.

The proponent must insure that the acknowledgment receipts of the additional EIS copies (for the PENRO, CENRO, LGUs, etc.) are received by EMB by this time.

No EIS submissions shall be accepted for substantive review unless a copy of the proposed environmental guarantee fund (EGF) and/or environmental monitoring fund (EMF) scheme/s (including the amount) are included. Furthermore, copies of the proposed MOAs shall be included in the EIS submission. Likewise, an environmental management plan (EMP) is a required criterion before an EIS submission is accepted for substantive review.

Section 12.0 of Article III: Substantive Review by the EIARC

After proper endorsement, the EIARC shall evaluate the EIS in accordance with the review criteria set forth in the EIS Procedural Manual. The EIARC shall validate the EIS through methods deemed appropriate such as, but not limited to, ocular, inspections/site visits and technical studies conducted by experts and relevant institutions. The EIARC shall consider the process documentation report in the validation of the EIS. The EIARC shall endeavor to complete the substantive review of the EIS within 60 days from receipt thereof.

The EIARC members shall evaluate the EIS document based on its compliance with the review criteria contained in the Substantial Review Form. The Substantial Review Form shall

be modified or revised to incorporate the requirements as identified in the agreed scope of the Formal Scoping Report. The EIARC shall evaluate the EIS in terms of the following general criteria:

- *completeness of information* - the documents should provide the required level of detail in accordance with the information identified in the annotated outline, scoping matrix or report and other appropriate guidelines such as the scoping guidelines.
- *clarity of presentation* - the document should be easily understood by the reviewers and comprehensible for decision-making
- *appropriateness* - this will be measured in terms of conformity of the EIS document to technical standards or mechanisms of implementation
- *accuracy and precision in information or assessment* - this will be gauged in terms of the adherence of the EIS document to the standard method of data gathering, modeling and analysis selected and mutually agreed on during the scoping session
- *degree of consistency* - the document should be entirely consistent in terms of its findings, assessment or analysis and recommendations such that no statement in the EIS will contradict another statement within the study
- *responsiveness* - this will be measured in terms of how the document addressed valid issues and concerns of stakeholders and other interested parties

The EIARC, in the course of substantial review, may employ any of the following methods:

- Public Hearing or Public Consultation (see Chapter 8 for more details)
- Site visits or ocular inspections including walk-through
- Technical studies or special researches to be undertaken by research institutions or academe

Other methods may be employed depending on the magnitude and complexity of the project.

Based on Section 12 of Article III, the EIARC should endeavor to complete the substantive review within sixty (60) days. In order to fulfill the intention of this section, the following

highly recommended approaches or mode of implementations shall be adopted whenever practical and appropriate:

- **First EIARC Meeting** - Ideally, the first EIARC meeting should be scheduled during the first few days of the 60-day period allotted for substantive review. This is the preferred option in order to avoid exceeding the allotted timeframe.

EIARC meetings should serve as a venue or opportunity for discussing issues and findings on the EIS. This is why perfect attendance is highly encouraged.

The first EIARC meeting may be divided into four parts as follows:

1. The EIARC members, including the resource persons when applicable, meet to discuss protocols and review parameters. This is also an opportunity for the EIARC members and resource persons to get acquainted. During this part of the meeting, the proponent(s) and preparer(s) are excluded from the meeting.

The EIARC Chair and the DENR Case Officer must be present in all EIARC meetings. The DENR Case Officer shall be responsible for documenting the entire review process. The meetings should be recorded on tape for later transcription.

2. The second part of the meeting is a briefing on the EIA study by the preparers or proponent. The briefing shall concentrate on the highlights of the results of the EIA study, in particular, on how the EIA study addressed environmental issues and other concerns raised during the various scoping activities. At the discretion of the EIARC, the proponent or preparer may be given a time limit for their presentation. On the other hand, the proponent or preparer should utilize this opportunity to anticipate the concerns of the EIARC and minimize the need for additional information.

3. The third part of the meeting, among the EIARC members and resource persons only, will be devoted to discussion of preliminary findings. Among matters that may be discussed are: timetables or schedules (of the next EIARC meeting(s) and other activities), the need for additional information, the schedule of public hearing or public consultations, the need for site inspections, and other additional inputs required for the substantial review.
4. The last part of the meeting will be with the proponent or preparer. They shall be informed of any additional information requirements and other inputs (such as requirement for Public Hearing or Public Consultation, site inspections or visits, etc.). The opportunity should be utilized to clarify the additional information requirements among others.

Additional information requirements are intended to provide elaboration or clarification of some aspects of the EIA Study. All must be rationalized or justified on the basis of its linkage or necessity to the decision of issuance or non-issuance of ECC. Normally, it should not require the conduct of new studies or collection of field data that are outside the agreed upon scope. Should such additional activities be necessary, the EIARC should first obtain the concurrence of the EMB Director or RED, as the case may be.

Als that are not critical to the decision of issuance or non-issuance of ECC are not allowed.

- **Conduct of field work** - In order to minimize the number of EIARC meetings, field work such as public hearing, public consultations, site inspections or ocular visits may be scheduled at this time before the next EIARC meeting.

A visit to the project site may be conducted by the EIARC under the following conditions:

- ◇ when a particular concern or issue critical to the decision of issuance or non-issuance of ECC can only be validated with a field visit/inspection; or
- ◇ When there is a need for a Public Hearing.

- **Second EIARC Meeting** - Ideally, the second EIARC meeting should be utilized to discuss and evaluate the additional information submissions of the proponents, the findings during the public hearing or consultation(s), and other additional inputs. If possible, a decision may be made on the recommendation to issue or deny the application for an ECC.

Should there be a need for clarification of the submitted additional information at this time, the 2nd EIARC Meeting should be held in such a way as to allow panel discussion. The proponent/ preparer should present the AI, and if necessary, defend, clarify, and elaborate on issues raised by the EIARC. Additional written submissions may be made at a later date for documentation purposes; to provide adequate safeguards, the proceedings may be recorded by videotape if necessary.

Only one request for additional information is allowed. The EIARC shall make its recommendation based on the records or information on hand.

- **Third (Final) EIARC Meeting** - The third EIARC meeting shall be the last meeting of the substantive review phase. A decision by the EIARC on whether to recommend the issuance or non-issuance of ECC must be reached at this point. However, under exceptional circumstances, additional EIARC meetings may be scheduled with the written approval of the EMB Director or DENR EMPAS RTD. The EIARC should nonetheless endeavor to complete the substantive review within the sixty (60) days timeframe.

During the course of the entire review process, the EMB or DENR-RO concerned should regularly maintain a status board of all pending ECC applications, regardless of whether a decision has been reached or not.

The EIARC shall have, at most, three (3) meetings. The conduct of additional meeting/s shall require the prior approval of the EMB Director or RTD-EMPAS as the case may be. Any EIARC meeting/s beyond the sixth (6th) session shall require the prior approval of the Undersecretary for Environment and Program Development.

At the end of the allocated 60 days for substantive review, a decision or recommendation for issuance or non-issuance of ECC shall be rendered by the EIARC. The decision or recommendation shall be based on available or submitted information. The non-submission of AI, especially if the allocated or agreed upon time frame was not followed, should not serve as a reason for not making a decision or recommendation.

The *Code of Ethics* for EIARC members, prepared by EMB, is a good reference and guide on how EIARC members, proponents and preparers should interact.

For projects covered by an agreed upon Review Work and Financial Plan (RWFP), any changes in the RWFP must have the written approval of both DENR and the proponent. It should be reiterated that the provision of funds to cover the scope of services under the RWFP is not a guarantee that an ECC will be granted, but rather as assurance of the completion of the review process within the timetable established by the RWFP.

Section 13.0 of Article III: EIARC Report

Within 15 days from completion of review, including public consultations and hearings, the EIARC shall submit a report to the EMB Director containing the results of its review/evaluation and its recommendations with respect to the issuance/non-issuance of the ECC. Said report, which shall begin with a brief description of the project or undertaking, shall discuss:

- a. environmental impacts and corresponding costed mitigation and enhancement measures of the project or undertaking;*
- b. key issues/concerns;*
- c. proponent's response to issues;*
- d. compliance with review criteria, technical/ substantive content and social acceptability requirements, and*
- e. the acceptability of the proposed EMP.*

Within 15 days from the completion of the review, the EIARC submits an EIARC report to the EMB Director. The report shall contain the results of the review or evaluation and the

committee's recommendation with respect to the issuance or non-issuance of an ECC including the appropriate conditions.

The EIARC Chair, on behalf of and in concurrence with the rest of the committee members, signs the report. EIARC members who sign the Substantive Form shall be presumed to have concurred with the EIARC Chair's Report.

At the minimum, the EIARC report shall contain the following information:

- a brief project description;
- summary matrix of significant project impacts and mitigation enhancement measures;
- summary of key issues or concerns plus the proponent's response to the issue(s) raised;
- EIARC evaluation to the proponent's response to the different issue(s) raised;
- a review summary based on the technical and substantive review criteria;
- report on compliance with social acceptability requirements;
- over-all findings of the review or evaluation;
- recommendations; and
- necessary conditions to be attached to the ECC

The 15-day timeframe for the EIARC Report submission includes the time necessary for the EIA Division/Unit/Section Head of EMB or DENR RO concerned to review and evaluate the EIARC Report. The report shall include other supporting or pertinent documents. Such report shall be endorsed by the EIA Division/Unit/ Section Head to the EMB Director or RTD for EMPAS, as the case may be, with the appropriate recommendations or comments.

Section 14.0 of Article III: Recommendation of the EMB Director

Within 15 days from the receipt of the EIARC report, the EMB Director shall make his or her own recommendation to the Office of the Secretary for final decision. Copies of the EIARC report and other pertinent documents shall be attached to the EMB Director's recommendations.

The 15-day timeframe for the recommendations of the EMB Director or RTD-EMPAS of the DENR RO concerned includes the time necessary for the requisite staff work.

Section 15.0 of Article III: Issuance of ECC

Within 15 days from the receipt of the report of the EMB Director, unless circumstances warrant a longer period of time, the Secretary shall either grant or deny the issuance of ECC. In granting or denying the issuance of the ECC, the Secretary shall take into account the social and environmental cost implications relative to the judicious utilization, development, and conservation of the country's natural resources.

The 15-day time frame for the decision of the DENR Secretary or RED of the DENR-RO concerned includes the time necessary for the requisite staff work.

In order to ensure higher rate of compliance with ECC conditions, the proponent may be advised by the office concerned to initiate activities for compliance with these conditions. For example, the proponent may be required to obtain some permits at this stage to allow for compliance with some specific ECC conditions. It should also be noted that certain documents or submissions are pre-ECC requirements. The following are examples of pre-ECC requirements or must be submitted before the ECC is released: EGF or EMF agreements, community MOA, revised EMP, and other similar submissions. Memorandum Circular 97-16 requires that the final draft of the MOA for the establishment of EGF for ECPs be submitted as part of the EMP of the EIS.

In cases where the recommendation for non-issuance of ECC is upheld by higher authorities, proponents may submit a *revised* set of EIA documents, which already include the necessary information. If the proponent submits the *revised* documents within six (6) months of the receipt of the letter informing them of the denial of their ECC applications, then the requirement for a scoping activity shall be waived. Otherwise, the proponent has to undertake another scoping exercise.

Section 16.0 of Article III: Transmittal of EIS Records and ECCs

In the event that an ECC is issued, the Secretary shall cause the transmittal of pertinent records and documents, and the ECC to

the EMB within 15 days from the date of such issuance. The offices of the concerned Regional Executive Director, PENRO, CENRO, the Municipality/City Mayor and the proponent shall also be furnished a copy of the ECC within the same period.

The ECC and other pertinent documents shall be transmitted to EMB or the RTD-EMPAS of the DENR RO concerned by the issuing authorities within the prescribed timeframe.

Before the release of any ECC, the EMB or the RTD-EMPAS of DENR-RO concerned shall assign a number to the ECC in accordance with the prescribed format.

ECC without the requisite control numbers of EMB or the DENR RO concerned shall not be considered valid.

The following offices shall be provided copies of the duly issued ECC within 15 days from the date the ECC is available for release to the proponent:

- DENR Regional Office(s) concerned: RED and RTD for EMPAS
- PENRO(s) concerned
- CENRO(s) concerned
- LGU/s concerned (Municipality/City Mayors and Provincial Governor, whenever applicable)