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# DRAFT AO ON STREAMLINING OF ECC PROCESSING & APPROVAL FOR EPNS



# BACKGROUND

**Executive Order No. 30** - creating the Energy Investment Coordinating Council in Order to Streamline the Regulatory Procedures affecting Energy Projects

- Issued on June 28, 2017

## Section 7, EO 30

- Presumption of prior approvals. Government agencies and instrumentalities that receive an application for a permit involving EPNS shall process such applications without awaiting action of any other agency. The processing agency shall act on the presumption that the relevant permits from other government agencies had already been issued.
- Government agencies and instrumentalities shall act upon application for permits involving EPNS within a specified processing timeframe not exceeding thirty (30) days from the submission of complete documentary requirements. Should such application be denied, the denial should be made in writing, expressly providing the grounds therefore. If no decision is made within the specified processing timeframe, the approving authority may no longer deny the application and shall issue the relevant permit within five (5) working days after the lapse of such processing timeframe.

# BACKGROUND

Energy Projects of National Significance (EPNS) – are major energy projects for power generation, transmission and/or ancillary services including those required to maintain grid stability and security, identified and endorsed by the DOE as “projects of national significance”. EPNS shall possess any of the following attributes:

1. Significant investment of at least P 3.5 Billion;
2. Significant to the country’s economic development;
3. Significant consequential economic impact;
4. Significant potential contribution to the country’s balance of payments;
5. Significant impact on environment;
6. Complex technical processes and engineering designs; and/or
7. Significant infrastructure requirements.

# BACKGROUND

## Section 8, EO 30

The DENR shall formulate guidelines on the issuance of ECCs consistent with the objectives and provisions of this Order including, in particular, the baselines stated in Section 7 hereof. Such guidelines shall be submitted to the Office of the President for approval within 60 days from the effectivity of this Order.

DENR submitted the draft AO to OP for approval on August 30, 2018.

## HIGHLIGHTS OF THE DRAFT AO IN SECURING ECC

Requirement to proponent to avail processing of ECC pursuant to EO 30:

Proponent to provide the EMB with a copy of **Certificate from the DOE that the project is EPNS** upon filing of document to EMB for the conduct of scoping for its proposed project

# EIA PROCESS FOR EPNS

<b>Project Category</b>	<b>DENR Office</b>	<b>Division in-charge</b>
<b>A – Environmentally Critical Projects (ECPs)</b>	EMB Central Office	Environmental Impact Assessment and Management Division (EIAMD)
<b>B – non Environmentally Critical Projects (Non – ECPs)</b>	EMB Regional Office (where the project is located)	Clearance and Permitting Division (CPD)

The EMB Offices shall designate a **focal group** within the concerned Division to handle the processing of ECC applications.

# ECC APPLICATION PROCEDURE FOR EPNS

**A. SCOPING** – determining the terms of reference of the EIA study;

i. **Public scoping** - conducted with the local community

ii. **Technical scoping** – conducted with the EIA Review Committee

**Environmental Impact Assessment Review Committee (EIARC)** - a body of independent technical experts and professionals of known probity from various fields organized by the EMB to evaluate the EIS and other related documents and to make appropriate recommendations regarding the issuance or non-issuance of an ECC.

# ECC APPLICATION PROCEDURE FOR EPNS

## i. PUBLIC SCOPING

**Requirements in public scoping for submission to EMB. Letter request for public scoping with the following attachments:**

1. Proof of conduct of Information Education Campaign (IEC)
2. Documentation of focus group discussions (FGDs)
3. Result of initial perception survey
4. Project description for scoping (with electronic copy) containing the following information:
  - Need for the project, its goals and objectives;
  - Alternatives being considered by the project proponent;
  - Project type, components and size;



# ECC APPLICATION PROCEDURE FOR EPNS

- Proposed location of project;
  - A map (e.g. google) showing the project site and the proposed EIA study area;
  - Aerial photos of the project site taken not more than ninety (90) days prior to submission;
  - Project Proponent;
  - Projected timeframe of the project phases;
  - Preliminarily identified environmental aspects for each alternatives;
5. Proposed list of invitees for the public scoping;
  6. IEC materials to be used in the conduct of public scoping; and
  7. Draft presentation of the project to be used in the public scoping.

EMB Office In-charge shall meet with the proponent and preparer **within five (5) days** to schedule the conduct of public scoping.

# ECC APPLICATION PROCEDURE FOR EPNS

## ii. TECHNICAL SCOPING

The conduct of technical scoping will be conducted upon submission of a request with the following:

- 10 copies of PD for scoping (with 1 e-copy);
- 10 copies of documentation of FGDs and IECs (with 1 e-copy); and
- 10 copies of Public scoping report (with 1 e-copy).

EMB shall schedule the technical scoping **within 10 days** from receipt after which a checklist duly signed by the EIA review team (EIARC, Project Casehandler, and EIA RP) shall be used by the proponent as TOR

# ECC APPLICATION PROCEDURE FOR EPNS

Per existing guidelines (DENR AO 2017-15)

- The Public Scoping Report (PSR) for ECPs shall be submitted to the EMB CO for approval within 10 working days after the public scoping duly validated by the EMB RO. The PSR for non-ECPs that are required an EIS shall be submitted to EMB RO for approval within 7 working days after the public scoping. The EMB shall evaluate and decide on the completeness of the PSR within 3 working days.

## FOR EPNS

- Approval process of PSR is no longer required for EPNS.

# ECC APPLICATION PROCEDURE FOR EPNS

## **B. PROCEDURAL SCREENING/REVIEW**

- Procedural screening/review to determine the completeness of EIA study shall be done with the EIARC in a meeting scheduled for the purpose. Proponent and its EIA preparer shall attend screening to be immediately inform of the lacking information. In said meeting, the proponent will be advised on the period of the EIA process including the schedule of public hearing.

# ECC APPLICATION PROCEDURE FOR EPNS

## **C. SUBSTANTIVE REVIEW** (Start of 30-day ECC processing)

First (1<sup>st</sup>) day of the 30 days prescribed timeframe shall commence upon official acceptance of the EIS which shall include approved documentation of the scoping process.

- Public hearing shall be set on the 7<sup>th</sup> day from official acceptance of the EIS. Two publication in a newspaper of general circulation shall be undertaken, on the 2<sup>nd</sup> and 5<sup>th</sup> day following the official acceptance of EIS/EPRMP.

Existing guidelines (DAO 2017-15): 1. Notice of PH publication in a newspaper of general circulation once a week for two (2) consecutive weeks, the second publication of which shall be at least seven (7) days before the scheduled public hearing;

2. Posting of Notice with in EMB website for at least 20 days; 3. Posting of Notice in conspicuous places in the municipality & barangay where the project will be located at least 15 days prior to the scheduled hearing & distribution of flyers

## ECC APPLICATION PROCEDURE FOR EPNS

- 1<sup>st</sup> Review meeting and site validation shall be conducted on the 8<sup>th</sup> & 9<sup>th</sup> day following the conduct of public hearing.

The proponent shall be given non-extendable period of 5 days to submit the additional information (AI) required by EIARC during the 1st review meeting. Compliance with requested AI to include response to the issues raised during the public hearing.

**Failure to submit the AI to EMB within the 5-day period shall result in the automatic return of the application even without a need of a notice.**

The EIS/EPRMP with integrated AI may be re-submitted within one year, otherwise the ECC application shall be deemed automatically dropped and proponent may file a new ECC application in case the project will still be pursued.

# ECC APPLICATION PROCEDURE FOR EPNS

- 2<sup>nd</sup> EIARC review meeting will be conducted on the 21<sup>st</sup> day or 7 days from receipt of the AI and public hearing documentation.
- The said meeting will be considered as FINAL meeting and the EIARC will recommend issuance or non-issuance of ECC
- EIARC Chair to submit EIARC Report on the 24<sup>th</sup> day or within 3 days from the last EIARC meeting

# ECC APPLICATION PROCEDURE FOR EPNS

## D. DECISION MAKING

- EMB Director shall decide on the EIARC recommendations as endorsed by the EIAMD on the 28<sup>th</sup> day or within 4 days from submission of Chairperson's report.
- The DENR Secretary/EMB Regional Director shall act on the endorsement of the EMB Director/CPD Chief on or before the 29<sup>th</sup> day.
- In the event that clearance from the Secretary was not obtained within the timeframe, the EMB Director/DENR Secretary shall sign the ECC on the 35<sup>th</sup> day.



