[DENR Administrative Order No. 2015-02, March 10, 2015]

HARMONIZATION OF THE IMPLEMENTATION OF THE PHILIPPINE ENVIRONMENTAL IMPACT STATEMENT SYSTEM AND THE PHILIPPINE MINING ACT OF 1995 IN RELATION TO MINING PROJECTS

Adopted: 10 March 2015
Date Filed: 17 March 2015

Consistent with the continuing effort of the Department of Environment and Natural Resources (DENR) to rationalize the implementation of the *Philippine Environmental Impact Statement System (PEISS)* [Presidential Decree (PD) No. 1586] and the *Philippine Mining Act of 1995* [Republic Act (RA) No. 7942, hereinafter referred to as the Mining Act] in relation to mining projects, the following rules and regulations are hereby promulgated for the information, guidance and compliance of all concerned:

Section 1. Basic Policy. It is the policy of the DENR to address the environmental impacts and safety concerns in the implementation, operation and abandonment/decommissioning/ rehabilitation of mining projects.

Section 2. Objective. This Order aims to harmonize compliance, monitoring and reporting systems, and funding mechanisms in accordance with the PEISS and Mining Act requirements.

Section 3. Coverage. This Order shall cover mining projects [considered as Environmentally Critical Projects (Group 1 Category)] as defined in the Revised Procedural Manual for DENR Administrative Order (DAO) No. 2003-30 (Implementing Rules and Regulations for the PEISS).

Section 4. General Provisions.

a. The Environmental Compliance Certificate (ECC) and the Environmental Impact Statement (EIS) shall serve as the basis in the preparation of the Environmental Protection and Enhancement Program (EPEP) and Final Mine Rehabilitation/Decommissioning Plan (FMR/DP). The latter shall be submitted in lieu of the Abandonment Plan as per DAO No. 2003-30.

   The Abandonment Plan for the ancillary facilities within the mining project area and covered by a separate ECC shall be integrated in the FMR/DP for the mining project.

b. A joint financial audit of the Mine Rehabilitation Funds (MRFs) and Environmental Trust Funds (ETFs) by the Environmental Management Bureau (EMB) and Mines and Geosciences Bureau (MGB), using audit guidelines

formulated by the same, shall be done periodically.

c. The Contingent Liability and Rehabilitation Fund (CLRF) Steering Committee and the MRF Committee (MRFC) under DAO No. 2010-21 *(Providing for a Consolidated Department of Environment and Natural Resources Administrative Order for the Implementing Rules and Regulations of Republic Act No. 7942, otherwise known as the "Philippine Mining Act of 1995")* shall be created in lieu of the Environmental Guarantee Fund (EGF) Committee under DAO No. 2003-30.

d. The CLRF and the fund allocated for Social Development and Management Program (SDMP), as provided for under DAO No. 2010-21, together with an ETF, shall be established in lieu of the EGF and the Environmental Monitoring Fund (EMF), as provided for under DAO No. 2003-30.

Section 5. Requirements for Mining Companies.

a. All proposed mining projects covered by this DAO shall set up CLRFs, ETFs and funds for SDMPs, in lieu of the EGFs and the EMFs, to defray the cost of monitoring, compensation for damages, social development, progressive rehabilitation, and final mine rehabilitation/ decommissioning.

EGFs and EMFs for ancillary facilities within the mining project area and covered by a separate ECC shall be integrated in the CLRF, ETF and fund for the SDMP for the mining project.

b. In compliance with the various environmental laws, rules and regulations, all mining projects shall submit Modules 1 to 6 of the Self-Monitoring Reports (SMRs) to the EMB Regional Office (RO) concerned and Module 7 of the SMRs to the MGB RO concerned quarterly. Said modules are the following:

MODULE	TITLE
1	General Information
2	RA No. 6969 Compliance Monitoring
3	RA No. 9275 Compliance Monitoring
4	RA No. 8749 Compliance Monitoring
5	PD No. 1586 Compliance Monitoring
6	RA No. 9003 Compliance Monitoring
7	RA No. 7942 Compliance Monitoring
7.a	EPEP/FMR/DP Implementation
7.b	SDMP Implementation
7.c	SHP Implementation

For Module 5, the reformatted Compliance Monitoring Report (CMR)based on