



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
DENR Compound, Jones St. Tacloban City, Philippines



NOTICE OF VIOLATION

NOV 15 2021

BALANGIGA PETRON GAS STATION
Brgy. San Miguel, Balangiga, Eastern Samar

Thru: **RICARDO DON P. GONZALES**
Managing Head

DENR-PAB Case No. 08-000113-21-A
ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 11/16/2021
TIME: 10:10am

Sir/Madame:

This notice is being served upon you for alleged violation of **R.A 8749** otherwise known as the Philippine Clean Air Act of 1999 based upon the survey/inspection conducted by the technical personnel of the Provincial Environmental Monitoring Unit (PEMU) – Eastern Samar last **22 July 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating two (2) units underground fuel tanks with respective capacities of 4000 KL (Diesel) and 8000 KL (Gasoline), without the required Permit to Operate Air Pollution Source Installations, since 22 July 2021 .	Violation of Section 1, Rule XIX of DENR Administrative Order (DAO) No. 2004-26 , amending DAO 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81 , in relation further to Pollution Adjudication Board Resolution No. 01, Series of 2019 .

Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **within fifteen (15) days from receipt hereof**, your defense/position to the alleged violation which is punishable by a fine of **Nineteen Thousand Five Hundred Pesos (P19,500.00) for every five (5) years of violation** of the above cited prohibited act and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

Please submit a hard copy of your written explanation to this Office, as well as an electronic copy of the same to **embr8_records@emb.gov.ph**, copy furnished **legalunitembr8@gmail.com**, to expedite the submission.

Please be informed that failure to submit the position paper on or before the period prescribed above shall mean a waiver of your right to contest the findings of the report and present evidence on your defense and the case may be decided based on evidence on record.

Please be guided accordingly.

Very truly yours,

ENGR. REYNALDO B. BARRA
OIC-Regional Director



SURVEY/INSPECTION FOR AIR QUALITY MANAGEMENT

Department: ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: AS-07-03Date of Survey/Inspection: July 22, 2021Mission Order No.: EMBR8-2021-008617

1. GENERAL INFORMATION

Name of Establishment: Balangiga Petron Gas Station		
Address: Brgy. San Miguel, Balangiga, Eastern Samar		Geo Coordinates: 11.1096 N, 125.38222 E
Nature of Business: Fuel Refilling Station		
PSIC Code: 4661	Product: fuel product	Year Established: not determined
Operating hours/day: not in operation	Operating days/week: not in operation	Operating days/year: not in operation

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
N/A	N/A	N/A
Name of Managing Head: Ricardo Don P. Gonzales		
Name of PCO: Not determined		
PCO Accreditation No.:	None	Date of Effectivity: N.A
Phone/Fax:	Not determined	Email: Not determined

2. PURPOSE OF INSPECTION

- ☐ Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification

	New	Renewal
<input type="checkbox"/> New Renewal		
<input type="checkbox"/> PMPIN Application	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous Waste ID Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous Waste Transporter Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous waste TSD Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Permit to Operate Air Pollution Control Installation	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discharge Permit	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Others _____	<input type="checkbox"/>	<input type="checkbox"/>

- ☒ Determine compliance status with the environmental regulations, permit conditions, and other requirements

- ☐ Investigate community complaints

- ☐ Check status of voluntary commitment

☐ Industrial Ecowatch

☐ Philippine Environmental Partnership Program (PEPP)

☐ Pollution Adjudication Board (PAB)

☐ Others _____

- ☒ Others Air Quality Management

Name of Contact Person	Ricardo Don P. Gonzales
Position / Designation	Owner

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-R08-1002-0028	March 03, 2010	
	ECC2			
	ECC3			
RA 6969	DENR Registry ID	None		
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.	None		
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.	None		

MODULE AQM01: PRE-INSPECTION INFORMATION SHEET FOR EMISSION SOURCES

Emission Source Data Information	
Emission Source No.	1
Type (Brand/Model)	Underground Tank for Diesel
Rated Capacity	4000 KL
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
Notes	

Emission Source Data Information	
Emission Source No.	2
Type (Brand/Model)	Underground Tank
Rated Capacity	8000 KL
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
Notes	

Legal Provision	Regulatory Requirements	Compliant			Notes
		Y	N	N/A	
DAO 2004-26					
Rule 19 Section 1	Application for Permit to Operate has been filed for new or modified emission sources		/		
Rule 19 Section 3	As built design of the installation conforms with submitted engineering plans and specifications			/	
	Declared control facilities are installed and operational			/	
	Installation is located as proposed in the vicinity map (plant and machinery layout)			/	
	Facility design capacity is within the capacity declared in the application for permit to operate			/	
Rule 19 Section 5	Temporary Permit is still valid			/	
DAO 2000-81					
Part 7 Rule 25 Section 5 a# 3	Facility is fossil fuel-fired powerplant over 10 MW rating installed with CEMS for particulates, sulfure oxide, and NOx			/	

	Facility is petroleum refinery / petrochemical industry installed with CEMS for particulates, sulfur oxide, and NOx			/	
	Facility is primary copper smelter installed with CEMS for particulates, sulfur oxide, and NOx			/	
	Facility is steel plant installed with CEMS for particulates and sulfur oxide			/	
	Facility is ferro-alloy production facility installed with CEMS for particulates			/	
	Facility is cement plant installed with CEMS for particulates			/	
Section 3a #1	Facility has the potential to emit at least 750 tons/year of regulated pollutant. Facility has CEMS and COMS.			/	
	Facility has the potential to emit at least 750 tons/year of particulate matter. Facility has COMS.			/	
EMB DAO 2007-22					
Section 5	CEMS/COMS Specifications for Opacity is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 1			/	
	CEMS/COMS Specifications for Sulfur Dioxide and Nitrogen Oxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 2			/	
	CEMS/COMS Specifications for Carbon Dioxide and Oxygen is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 3			/	
	CEMS/COMS Specifications for Carbon Monoxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 4 and 4A			/	
	CEMS/COMS Specifications for Hydrogen Sulfide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 7			/	
Other Observations:					
<ul style="list-style-type: none"> - The establishment was not in operation at the time of inspection, - Accordingly, the establishment was temporary closed for almost two (2) days from the date of inspection due to the absence of fuel. - The owner was not around at the time of inspection, accordingly, the owner resides at Guiuan, Eastern Samar. - As per office record no Permit to Operate was issued to the establishment for the APSE. - The establishment has two (2) units dispensing pump and two (2) units underground tank for diesel (4000 KL) and gasoline (8000 KL). 					
Remarks and Recommendation:					
<ul style="list-style-type: none"> - For issuance of Notice of Violation for operation without Permit to Operate Air Pollution Source Installation in Violation of of Section 1 Rule XIX of DAO No. 2004-26 and in relation to Section 47 of RA. 8749. 					
List of Documents Reviewed:					
<ul style="list-style-type: none"> - Issued ECC 					

Submitted by:


GINNALYN A. ESPOSA
EMS I

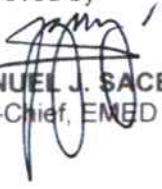
Reviewed by:


JOSEPHINE L. FUENTES
SEMS/OIC- Head, PEMU ES

Recommending Approval:


Engr. CARLOS A. CAYANONG
Engineer IV/Chief, WAQMS

Approved by


MANUEL J. SACEDA JR.
OIC-Chief, EMED

Noted:



REYNALDO B. BARRA, PME
OIC- Regional Director

Photo Documentation:



Balangiga Petron Gasoline Station, Brgy. San Miguel, Balangiga, Eastern Samar



Underground Tank for fuel of Balangiga Petron Gasoline Station