



NOTICE OF VIOLATION

FEB 14 2022

DENR-PAB Case No. 08-000012-22-A

FMB CATARMAN GASOLINE STATION

Brgy. Old Rizal, Catarman, Northern Samar

Thru: **FELIX M. BARBARONA**
Managing Head

SHERWIN O. BARBARONA
Pollution Control Officer Designate

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY
DATE: 2/14/2022
TIME: 4:11PM

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 desk review conducted by the technical personnel of the Clearance and Permitting Division – Air Water Permitting Section (CPD-AWPS) of this Office last **24 January 2022**, on your online renewal application for Permit to Operate filed last **18 January 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating one (1) unit 36 KW (45 KVA) “Airman” brand standby generator set; three (3) units Underground Tanks without a valid Permit to Operate since 15 November 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 **embr8_legal@emb.gov.ph**, 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



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
DENR Compound, Jones St., Tacloban City, Philippines



FOR : **THE OIC-DIVISION CHIEF**
Clearance and Permitting Division

FROM : **THE UNDERSIGNED STAFF**
Air & Wastewater Permitting Section

SUBJECT : **DESK REVIEW REPORT INVOLVING THE
FMB CATARMAN GASOLINE STATION LOCATED AT
BRGY. OLD RIZAL, CATARMAN, NORTHERN SAMAR.**

DATE : **24 JANUARY 2022**

BACKGROUND/ PROCEEDINGS

On **18 January 2022**, **FMB CATARMAN GASOLINE STATION** filed an online application (Application No. 171418) for the renewal of its Permit to Operate. This desk review report is hereby prepared on 24 January 2022 for the purpose of issuance of Notice of Violation for operating without a valid Permit to Operate.

FINDINGS/OBSERVATIONS

Based on the aforementioned application, the following findings were observed:

1. FMB CATARMAN GASOLINE STATION has been issued a Permit to Operate on **14 November 2016**, with Permit No. **16-POA-K-0848-0275** which was only valid until **14 November 2021**. *Copy of the said permit to operate is attached;*
2. FMB CATARMAN GASOLINE STATION is represented by Felix M. Barbarona (09497971537) as the Managing Head and Sherwin O. Barbarona as the designated Pollution Control Officer;
3. Apparently, FMB CATARMAN GASOLINE STATION has been in operation without a valid Permit to Operate since **15 November 2021**.

REMARKS

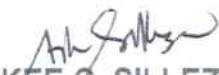
1. **Section 1, Rule XIX, Part VI of DENR Administrative Order No. 2000-81 or the Implementing Rules and Regulations (IRR) of the Philippine Clean Air Act of 1999 (Republic Act 8749)** provides that all sources of air pollution subject to this IRR must have a valid Permit to Operate issued by the Director;
2. In relation thereto, **Section 1, Rule XIX of DENR Administrative Order No. 2004-26 or Amending Rule XIX of DAO 2000-81** explicitly provides that all sources of air pollution subject to this IRR must have a valid Permit to Operate issued by the Environmental Management Bureau (EMB) Regional Director;

3. This is further reiterated in the **Permitting Procedures No. 8 of Memorandum Circular 2007-003 or the Policy on Compliance and Permitting for Industrial Facilities Relating to Air Quality** that an applicant shall not be allowed to operate a new or modified source (except for commissioning or testing) until a temporary or regular permit has been issued. **Operation without a permit is a violation of the Act**, as in this case, the Permit to Operate;
4. One of the Permit Conditions provided for under the expired Permit to Operate issued to **FMB CATARMAN GASOLINE STATION** requires the permit holder to **renew the permit to operate at least thirty (30) days before the expiry date**;
5. Any establishment found to have violated the foregoing provisions shall be liable under **Section 47 of Republic Act 8749**, in relation to **Pollution Adjudication Board Resolution No. 01, Series of 2019**.

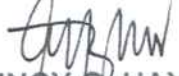
RECOMMENDATIONS

1. To issue a Notice of Violation against **FMB CATARMAN GASOLINE STATION** for operating without a valid Permit to Operate, in violation of **Section 1, Rule XIX of DENR Administrative Order No. 2004-26** and **Permitting Procedures No. 8 of Memorandum Circular 2007-003** which, IF found guilty, shall be liable under **Section 47 of Republic Act 8749**, in relation to **Pollution Adjudication Board Resolution No. 01, Series of 2019**;
2. Pursuant to **PAB Resolution No. 01-2019**, to defer from the issuance of a Permit to Operate until resolution of the case or payment of the corresponding fine, if warranted;
3. For further appropriate actions as may be determined after due process.

Reviewed by:


AIKEE C. SILLEZA
EMS II

Approved by:


HENNY G. HAYAG, PME.
OIC-Chief, CPD

Noted by:


REYNALDO B. BARRA, PME.
OIC-Regional Director





DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
ENVIRONMENTAL MANAGEMENT

Office of the Regional Director

Regional Office No. VIII

Cathedral Compound, Brgy. Luntad, Palo, Leyte

Telefax No. (053) 832-1088

TIME: 2:44 PM

Permit No. 16 - P/OA - K - 0848 - 0275

Date Issued

November 14, 2016

Valid Until

November 14, 2021

**PERMIT TO OPERATE
AIR POLLUTION INSTALLATIONS**

Pursuant to Rule XIX of the Implementing Rules and Regulation of Presidential Decree 8749 otherwise as The Philippine Clean Air Act, authority is hereby granted to:

FMB CATARMAN GASOLINE STATION

(Name of firm, individual, owner, etc.)

Brgy. Old Rizal, Catarman, N. Samar

(Plant Address)

to operate the following (Description of structure and/or equipment):

One (1) unit 36 KW (45 KVA) "AIRMAN" brand standby generator set with muffler; One (1) unit UGT for Premium Gasoline with a capacity of 15,000 li; One (1) unit UGT for Diesel with a capacity of 7,000 li; One (1) unit UGT for Unleaded Gasoline with a capacity of 7,000 li.

Permit Conditions:

1. Subject to automatic revocation if found violating the Implementing Rules and Regulations of RA 8749 and the conditions set forth in this Permit;
2. This Operating Permit covers only the aforementioned structure/equipment;
3. This Permit shall be posted conspicuously near the equipment adequately framed and protected against damage;
4. Application for the renewal of this Permit shall be filed at least before the expiry date;
5. The Manager or Pollution Control Officer in charge of the above installation(s) shall keep record of the fuel and oil consumption and no. of hours of operation, to be included in the quarterly report for submission to this office;
6. The permittee shall allow authorized officers of the Department or the Bureau entry and access to any part of the establishment, to conduct inspections, gather information, test emissions or take samples at all times during office hours. The permittee and its personnel shall not obstruct such officers in the performance of the said functions, and shall furnish any reasonable information or materials requested by them. The permittee shall also obey any lawful instruction or direction given by the authorized or accredited officer of the Department or the Bureau at all times.
7. The permittee shall maintain adequate records/logbook of monitoring, operational data of APSE and APCD, operating hours of the APSE and APCD and other relevant information for perusal and verification during inspection. They shall also submit reports of such records/information to DENR quarterly as part of the SMR.
8. The permittee shall conduct, if applicable, emission compliance test as required under DENR EMB MC No. 2007-003.