



## NOTICE OF VIOLATION

MAY 12 2022

DENR-PAB Case No. 08-000036-22-A

**VIVA PETRON SERVICE STATION**  
Brgy. Sto. Antonio, Malitbog, Southern Leyte

Thru: **IVY S. ALCONABA**  
Managing Head

**ERIC GESULGA**  
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY: *[Signature]*  
DATE: 5/13/2022  
TIME: 2:24 PM

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 – Southern Leyte (PEMU- Southern Leyte) last **03 February 2022**.

### ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating one (1) unit Underground Fuel Tank, without the required <b>Permit to Operate</b> for Air Pollution Source and Control Installations since <b>03 February 2022</b> .	Violation of <b>Section 1, Rule XIX of DENR Administrative Order No. 2004-26</b> , amending DAO 2000-81, in relation to <b>Section 1, Rule LVI of DAO 2000-81</b> , in relation further to <b>Pollution Adjudication Board Resolution No. 01, Series of 2019</b> .

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,

*[Signature]*  
**ENGR. REYNALDO B. BARRA**  
OIC-Regional Director



	<b>ENVIRONMENTAL MANAGEMENT BUREAU REGION 8</b>	
<b>SURVEY/INSPECTION FOR AIR QUALITY MANAGEMENT</b>		

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

Report Control Number: \_\_\_\_\_  
Date of Survey/Inspection: **February 3, 2022**  
Mission Order No.: **EMBR8-2022-005175**

<b>1. GENERAL INFORMATION</b>		
Name of Establishment: <b>Viva Petron Service Station</b>		
Address: <b>Brgy. San Antonio, Malitbog, Southern Leyte</b>		Geo Coordinates: <b>10.161078° N, 125.000789° E</b>
Nature of Business: <b>Gasoline Station</b>		
PSIC Code: <b>4730</b>	Product:	Year Established: <b>2014</b>
Operating hours/day: <b>10</b>	Operating days/week: <b>7</b>	Operating days/year: <b>365</b>

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
Name of Managing Head:	<b>Ivy S. Alconaba</b>	
Name of PCO:	<b>Eric Gesulga</b>	
PCO Accreditation No.:	<b>None</b>	Date of Effectivity: <b>N/A</b>
Phone/Fax:	<b>None</b>	Email: <b>None</b>

2. PURPOSE OF INSPECTION

<input type="checkbox"/> Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification		
	<b>New</b>	<b>Renewal</b>
<input type="checkbox"/> New Renewal	<input type="checkbox"/>	<input type="checkbox"/>
<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"/>

<input checked="" type="checkbox"/> Determine compliance status with the environmental regulations, permit conditions, and other requirements	
<input type="checkbox"/> Investigate community complaints	
<input type="checkbox"/> Check status of voluntary commitment	
<input type="checkbox"/> Industrial Ecowatch	
<input type="checkbox"/> Philippine Environmental Partnership Program (PEPP)	
<input type="checkbox"/> Pollution Adjudication Board (PAB)	
<input type="checkbox"/> Others _____	
<input type="checkbox"/> Others _____	

Name of Contact Person	<b>Eric Gesulga</b>
Position / Designation	<b>Gasoline Caretaker</b>





3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-R08-1403-0015	03/19/2014	
	ECC2			
	ECC3			
RA 6969	DENR Registry ID			
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.			
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.			

MODULE AQM01: PRE-INSPECTION INFORMATION SHEET FOR EMISSION SOURCES

Emission Source Data Information	
Emission Source No.	1
Type (Brand/Model)	UGT
Rated Capacity	40 kL
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
Notes:	

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Emission Source No.	
Type (Brand/Model)	
Rated Capacity	
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.			✓	
<b>EMB DAO 2007-22</b>					
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			✓	
<b>Other Observations:</b>					
<ul style="list-style-type: none"> <li>➤ The establishment is operational during the inspection.</li> <li>➤ No PTO for Underground Tanks</li> <li>➤ The present business is operated by a certain Josie C. Duterte, a resident of Brgy. Napantao, San Francisco, Southern Leyte with business name RISING STAR FUEL STATION</li> </ul>					





**Remarks and Recommendation:**

- Submission of the firm of July-December 2021 Compliance Monitoring Report through [online.emb.gov.ph/cmr](https://online.emb.gov.ph/cmr)
- Secure an Environmental Compliance Certificate (ECC) amendment for the transfer of ownership.
- Issuance of Notice of Violation for failure to secure a Permit to Operate Air Pollution Source and Control Installation (POAPSI) prior to operation of the Underground Fuel Tanks in violation of Section 1, Rule XIX, DENR Administrative Order (DAO) No. 2004-26 (Implementing Rules and Regulations of RA 8749), amending Section 1, Rule XIX of DAO No. 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81, and in relation further to Pollution Adjudication Board (PAB) Resolution No. 01-2019

**List of Documents Reviewed: ECC-R08-1403-0015**

Submitted by:



**ZEUS BRYAN B. LORETO**  
EMS II



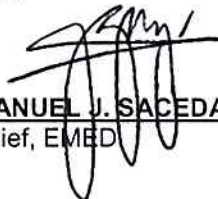
**For. ALEJANDROQUE G. MACATIGUE**  
Head, PEMU S. Leyte

Recommending Approval:



**Engr. CARLOS A. CAYANONG**  
Chief, WAQMS

Approval:



**For. MANUEL J. SACEDA, Jr.**  
OIC Chief, EMED

Noted:



**REYNALDO B. BARRA, PME**  
OIC-Regional Director



