



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



NOTICE OF VIOLATION

SEP 21 2021

DENR-PAB Case No. 08-000084-21-A

PROPOSED GASOLINE STATION PROJECT

Brgy. Mercedes, Catbalogan City, Samar

Thru: **VISITACION L. LAOHOO**

Managing Head

TERESITA O. LAOHOO

Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: *[Signature]*
DATE: 9/23/2021
TIME: 10:33 AM

Sir/Madame:

This notice is being served upon you for alleged violation of **RA 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) – Samar last **09 June 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating without the required Permit to Operate for Air Pollution Source Installations for one (1) unit 30 KVA (24 KW) Denyo Brand Genset, since 09 June 2021 .	Violation of Section 1, Rule XIX of DENR Administrative Order No. 2000-81 , Implementing Rules and Regulations of RA 8749 , in relation to Section 47 thereof and 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
OIG-Regional Director

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

SEP 21 2021

DENR-PAB Case No. 08-000123-21-W

PROPOSED GASOLINE STATION PROJECT

Brgy. Mercedes, Catbalogan City, Samar

Thru: VISITACION L. LAOHOO
Managing Head

TERESITA O. LAOHOO
Pollution Control Officer

Sir/Madame:

This notice is being served upon you for alleged violation of **R.A 9275** otherwise known as the Philippine Clean Water Act of 2004, based upon the survey/inspection conducted by the technical personnel of the Provincial Environmental Monitoring Unit (PEMU) – Samar last **09 June 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without a valid Discharge Permit since 09 June 2021 .	Violation of Section 14, Article 2, Chapter 2 of DENR Administrative Order No. 2005-10 , Implementing Rules and Regulations of RA 9275 , in relation to Section 28 thereof and 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 year 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-06-06Date of Survey/Inspection: June 9, 2021

Mission Order No.: _____

1. GENERAL INFORMATION

Name of Establishment: PROPOSED GASOLINE STATION		
Address: Brgy. Mercedes, Catbalogan City, Samar		Geo Coordinates: 11.784074957143222, 124.87561962736335
Nature of Business: Gas Station		
PSIC Code: 47300, 4661	Product: N/A	Year Established: N/A
Operating hours/day: N/A	Operating days/week: N/A	Operating days/year: N/A

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
	N/A	
Name of Managing Head: Visitacion L. Laohoo		
Name of PCO: Teresita O. Laohoo		
PCO Accreditation No.: _____	COA No. 2019-RVIII	Date of Effectivity: December 3, 2018
Phone/Fax: _____	09177247833	Email: blaohoo@yahoo.com

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"/>	<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 <u>Survey</u>	<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 _____

Name of Contact Person	Teresita O. Laohoo
Position / Designation	Pollution Control Officer

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits	Date of Issue	Expiry Date
PD 1586	ECC1	ECC-02-R08-2017-0116	5/11/2017
	ECC2	N/A	N/A
	ECC3	N/A	
RA 6969	DENR Registry ID	N/A	
	PCL Compliance Certificate	N/A	
	CCO Registry	N/A	
	Permit to Transport	N/A	
RA 8749	POA No.	None	
RA 9003	ECC for Sanitary Landfill	N/A	
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)	DENYO
Rated Capacity	30 KVA
Fuel Type & Quantity	Diesel
Operating Capacity	24 hrs.
Control Facility	Muffler
Notes: Standby generator set	

Emission Source Data Information	
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, sulfur 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:				
<ol style="list-style-type: none"> 1. The establishment is in normal operation during the conduct of survey. 2. There is an ECC Amendment dated November 9, 2020. 3. The establishment is potential for air and water pollution generation. 				
Remarks and Recommendation:				
<ol style="list-style-type: none"> 1. For issuance of Notice of Violation for operating without Permit to Operate Air Pollution Source Installations as per Section 1, Rule XIX of DAO 2000-81, IRR of RA 8749 also known as the Philippine Clean Air Act 1999. 2. For issuance of Notice Violation for operating without Wastewater Discharge Permit as per Section 14, Article 2, Chapter 2 of DAO 2005-10, IRR of RA 9275 also known as the Philippine Clean Water Act 				

List of Documents Reviewed:

ECC and SMR

Submitted by:


ANTONIO A. PINO, Ph.D.
Head, PEMU Samar

Recommending Approval:


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

Approval:


REYNALDO B. BARRA, PME
Chief, EMED

Noted:


LETECIA B. MACEDA
Regional Director



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
DENR 8 Compound, Brgy. 2, Jones Extension, Tacloban City
Telefax: (053) 832-1088
Email: esupport@emb.gov.ph emb8@emb.gov.ph
Website: emb.gov.ph



MEMORANDUM

FOR : THE REGIONAL DIRECTOR
Environmental Management Bureau Region VIII

ATTENTION : LEGAL UNIT

FROM : THE UNDERSIGNED

SUBJECT : RECOMMENDATION FOR THE ISSUANCE OF NOTICE
OF VIOLATION (NOV) TO PROPOSED GASOLINE
STATION

DATE : 09 JULY 2021

The undersigned conducted compliance monitoring at Proposed Gasoline Station located in Brgy. Mercedes, Catbalogan City, Samar on June 9, 2021 to determine compliance status of firm with the environmental regulations, permit conditions, and other requirements. The following are the findings and recommendations formulated, to wit:

Findings and Observations:

1. The establishment is in normal operation during the conduct of survey.
2. There is an ECC Amendment dated November 9, 2020.
3. The establishment is potential for air and water pollution generation.

Remarks and Recommendations:

1. For issuance of Notice Violation for operating without Wastewater Discharge Permit as per Section 14, Article 2, Chapter 2 of DAO 2005-10, IRR of RA 9275 also known as the Philippine Clean Water Act

Prepared by:

ANTONIO A. PINO, Ph.D.
Head, PEMU Samar

Recommending Approval:

ENGR. CARLOS A. CAYANONG
Chief, WAQMS

Approved by:

REYNALDO B. BARRA, PME
Chief, EMED