


NOTICE OF VIOLATION

MAR 25 2022

DENR-PAB Case No. 08-000024-22-A

LIFE FUELS
J. Rizal St., Brgy. Iniguihan, Bato, Leyte

Thru: **AIDA YAP SALINAS**
Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 3/25/2022
TIME: 10:57am

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 compliance inspection conducted by the technical personnel of the Provincial Environmental Monitoring Unit (PEMU) – Southern Leyte last **02 February 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating one (1) unit underground fuel storage tank, without the required Permit to Operate for Air Pollution Source and Control Installations since 02 February 2022 .	Violation of Section 1, Rule XIX of DENR Administrative Order 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



COMPLIANCE INSPECTION FOR AIR QUALITY MANAGEMENT



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: _____

Date of Inspection: **February 2, 2022**Mission Order No.: **EMBR8-2022-004683**

1. GENERAL INFORMATION		
Name of Establishment: LIFE FUELS		
Address: J. Rizal St, Brgy. Inguihan, Bato, Leyte		Geo Coordinates:
Nature of Business: Retail Sale of Fuel		10.32954° N, 124.78898° E
PSIC Code: 47750	Product:	Year Established: 2014
Operating hours/day: 17	Operating days/week: 7	Operating days/year: 365

Product Lines	Production Rate as Declared in the ECC	Actual Production Rate
Name of Managing Head:	Aida Yap Salinas	
Name of PCO:	None	
PCO Accreditation No.:	None	Date of Effectivity: N/A
Phone/Fax:	09178798680	Email:

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

<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	Sharon Jitanes
Position / Designation	Secretary



3.1 DENR Permits/Licenses/Clearance

MODULE AQM01: PRE-INSPECTION INFORMATION SHEET FOR EMISSION SOURCES

<i>Emission Source Data Information</i>	
Emission Source No.	
Type (Brand/Model)	
Rated Capacity	
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
Notes:	

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 [Signature]
 [Stamp: DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, OFFICE OF THE INSPECTOR GENERAL]
 [Stamp: DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, OFFICE OF THE INSPECTOR GENERAL]

Part 7 Rule 25 Section 5 a# 1	Person in charge of the plant / equipment has sufficient measure to ensure that no dark smoke is discharging from any stack in the establishment. E.g.: window view of stack, mirror to reflect top of stack, smoke density indicator, CCTV, etc.			✓	
Part 7 Rule 25 Section 5 a# 2	All oil-burning equipment have heaters capable of heating oil to a temperature appropriate for the oil and burner			✓	
Part 7 Rule 25 Section 5 a# 3	Establishment is fossil fuel-fired power plant over 10MW rating installed with CEMS for particulates, sulfur oxide, and NOx			✓	
	Establishment is petroleum refinery / petrochemical industry installed with CEMS for particulates, sulfur oxide, and NOx			✓	
	Establishment is primary copper smelter installed with CEMS for particulates, sulfur oxide, and NOx			✓	
	Establishment is steel plant installed with CEMS for particulates and sulfur oxide			✓	
	Establishment is ferro-alloy production facility installed with CEMS for particulates			✓	
	Establishment is cement plant installed with CEMS for particulates			✓	
Part 7 Rule 25 Section 5 b	Miscellaneous equipment like reheating furnace, smoke oven, bake oven, coffee heaters, varnish kettles, etc. are installed with pollution control facilities			✓	
Part 7 Rule 25 Section 13 a	Establishment has precautionary controls for dusts generated during vehicular movement, transportation of materials, construction, etc. (List controls identified)			✓	
Part 7 Rule 25 Section 13 b	Establishment has precautionary controls for volatile organic compounds or organic solvent emissions generated during storing, pumping, handling, processing, etc. (List controls identified)			✓	
Part 7 Rule 25 Section 13 d	No open burning activity in the establishment			✓	



EMB Memorandum Circulars					
MC 2009-04	Standby Gen sets with capacity greater than or equal to 1,250 KW undergo annual emission testing (with 3 test runs). These gen sets should not have the potential to emit more than 100tons/year of regulated pollutant.			✓	
MC 2007-003 (2)	Boiler rated at greater than or equal to 251HP undergo bi-annual emission testing (with 3 test runs)			✓	
	Other sources that have potential to emit equal to or greater than 100tons/year of regulated pollutant undergo bi-annual emission testing (with 3 test runs)			✓	
	Boiler rated between 100 to 250 HP undergo annual emission testing (with 3 test runs)			✓	
	Diesel generator rated at 600 to 1,249KW undergo annual testing (with 3 test runs)			✓	
	Other sources that have potential to emit greater than 30 but less than 100tons/year of regulated pollutant undergo annual emission testing (with 3 test runs)			✓	
	Sources of emissions of hazardous air pollutants included in PCL (DAO 1998 -58) undergo bi-annual emission testing (with 3 test runs)			✓	
	Emission sources of petroleum refinery undergo bi-annual emission testing (with 3 test runs)			✓	
	Emission sources of petrochemical works undergo bi-annual emission testing (with 3 test runs)			✓	
	Emission sources of smelters undergo bi-annual emission testing (with 3 test runs)			✓	
	Emission sources of cement kilns undergo bi-annual emission testing (with 3 test runs)			✓	
	Emission sources of steel -making plants undergo bi-annual emission testing (with 3 test runs)			✓	
	Emission sources of ferro-alloy-making plants undergo bi-annual emission testing (with 3 test runs)			✓	

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[Signature]
ADRIAN L. OLEDA
 Administrative Officer III
 DES-ENR-8

	Emission sources of glass-making plants undergo bi-annual emission testing (with 3 test runs)			✓	
	Boiler rated at 99HP or less undergo biennial emission testing (with 3 test runs)			✓	
	Diesel generator rated at 599KW or less undergo biennial emission testing (with 3 test runs)			✓	
	Other sources that have potential to emit at least 10tons/year but less than 30tons/year of regulated pollutant undergo biennial emission testing (with 3 test runs)			✓	
	Source using Bunker Fuel Oil, blended fuels involving Bunker Fuel Oil, or sulfur content of 1% or more undergo bi-annual emission testing			✓	
Appendix F (Quality Assurance Procedures)					
Section 6 (8)	Notification has been sent to EMB for any changes made in the CEMS installation			✓	
	Notification has been sent to EMB for any changes made in the CEMS quality assurance and quality control plan			✓	
Section 6 (5)	Each CEMS is audited and conducted in accordance to CFR 40 part 60 Appendix F.			✓	
Section 6 (6)	Relative Accuracy Test Audit (RATA) is performed annually by industries in the presence of EMB personnel.			✓	
	Establishment has sent thirty (30) day notice to EMB prior to the RATA testing schedule			✓	
Section 6 (7)	Calibration gases are subject to audit or relative accuracy audit test every quarter			✓	
	Other alternative quarterly audits employed by the establishment are approved by EMB.			✓	

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 RODY PLEDAN
 Administrative Officer III
 CENRO EMB 8

Section 6 (9)	EMB Director and Regional Director have been notified of CEMS malfunction that lasted longer than seven (7) consecutive days.			✓	
Section 7 (1)	Records of occurrence and duration of any start-up, shut-down or malfunction in the operation of any source or control facility is available in the establishment.			✓	
Section 7 (2)	Records of audits, performance testing, evaluations, calibration checks, adjustments and maintenance of any continuous emission monitors that have been installed pursuant to Rule IX Section 5 of DAO 2000-81 are available in the establishment.			✓	
Section 8 (1)	SMR includes data on the time intervals, date and magnitude of excess emissions, nature and cause of excess, corrective actions taken, and preventive measures adopted.			✓	
Section 8 (2)	SMR includes information on the averaging period used for data reporting corresponding to the averaging period specified in the emission test period used to determine compliance with an emission standard for the pollutant/source category in question.			✓	
Section 8 (3)	SMR includes information on time and date for each period during which the continuous monitoring system was inoperative and the nature of system repairs and adjustments made in the CEMS/COMS			✓	
Section 8 (4)	SMR data measurements are within 75% data capture?			✓	
For Facilities Engaged with Consent Agreement					
EMS established within 18 months upon entering Consent Agreement with EMB	EMS established within 18 months upon entering Consent Agreement with EMB			✓	
DAO 2000-81 Part 7 Rule 25 Section 9b	Environmental Management Plan derived from EMS process submitted within 6 months after entering Consent Agreement with EMB			✓	

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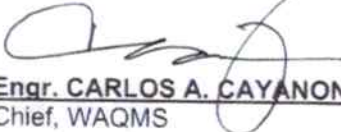
 LADILLI ULEDAN
 Administrative Officer III
 DENR-EMB 8

Other Observations:
<ul style="list-style-type: none">➤ The project is operational at the time of inspection.➤ The gasoline station has one (1) unit underground fuel storage tank with a capacity of 12.0 kiloliters for both Premium and Diesel and 6.0 kiloliters for Unleaded.➤ The project operates without a valid Permit to Operate Air Pollution Source Control Installation for the underground fuel storage tank.
Remarks and Recommendation:
<ul style="list-style-type: none">➤ To issue a Notice of Violation for failure to secure a Permit to Operate Air Pollution Source and Control Installation for one (1) Underground Fuel Storage Tank, in violation of Section 1, Rule XIX, DENR Administrative Order No. 2004-26 (Implementing Rules and Regulations of RA 8749), amending Section 1, Rule XIX of DAO 2008-81, in relation to Section 1, Rule LVI of DAO No. 2000-81, and in relation further to PAB Resolution No. 01-2019.
List of Documents Reviewed:

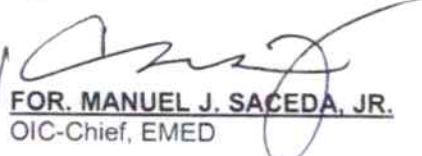
Submitted by:


SWEET ADEL L. PRIMA
EMS II

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

