



NOTICE OF VIOLATION

MAY 12 2022

DENR-PAB Case No. 08-000034-22-A

PHOENIX PETROLEUM PHILIPPINES, INC.
Brgy. 95 Caibaan, Tacloban City

Thru: **THE MANAGING HEAD/S**

Sir/Madame:

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY:
DATE: 5/13/2022
TIME: 8:24am

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 Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) last **02 March 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating three (3) units of Underground Fuel Tanks; one (1) unit 125 KW diesel engine generator set, without the required Permit to Operate for Air Pollution Source and Control Installations since 02 March 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



ENVIRONMENTAL MANAGEMENT BUREAU REGION 8

**SURVEY/INSPECTION FOR AIR QUALITY MANAGEMENT**

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

Report Control Number: _____

Date of Survey/Inspection: **MARCH 2, 2022**Mission Order No.: **EMBR8-2022-007030****1. GENERAL INFORMATION**

Name of Establishment: PHOENIX PETROLEUM PHILIPPINES, INC.		
Address: BRGY. 95 CAIBAAN TACLOBAN CITY		Geo Coordinates: 11.21388 N 124.99357 E
Nature of Business: FUEL REFILLING STATION		
PSIC Code: 47300, 4661	Product:	Year Established: 2017
Operating hours/day: 16	Operating days/week: 7	Operating days/year:

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
Name of Managing Head:	-	
Name of PCO:	-	
PCO Accreditation No.:	-	Date of Effectivity: -
Phone/Fax:	-	Email: -

2. PURPOSE OF INSPECTION

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

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

Name of Contact Person	ALLAN SUAREZ
Position / Designation	SUPERVISOR

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-OL-R08-2016-0034	04/11/2016	
	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 SHEETFOR EMISSION SOURCES

Emission Source Data Information	
Emission Source No.	
Type (Brand/Model)	UGT (3 units)
Rated Capacity	
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
Notes	
FUEL STORAGE TANKS (22 KL – diesel, 2 units 15 KL- gasoline)	

Emission Source Data Information	
Emission Source No.	
Type (Brand/Model)	Airman genset
Rated Capacity	125 KW
Fuel Type & Quantity	diesel
Operating Capacity	
Control Facility	
Notes	
Standby	

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		✓		No application was lodged online
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:

- The fuel refilling project was operational during the time of monitoring.
- No application for Permit to Operate was lodged online.
- Issuance of Notice of Violation was recommended during the inspection conducted last March 5, 2021 for operating without Permit to Operate Air.
- No records of CMR submission in online system.
- No PCO designate.
- One unit 125 KW diesel engine generator set is located at powerhouse. Poor housekeeping was observed at powerhouse with various supplies and things stored inside.



Remarks and Recommendations:

- ✓ For issuance of Notice of Violation for operating without Permit to Operate Air, violation of Rule 19, Section 1 of DENR Administrative Order 2004-26 (Implementing Rules and Regulations of RA 8749), amending Section 1, Rule XIX of DAO 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81, and in relation further to PAB Resolution No. 01-2019.
- ✓ Apply for POA online.
- ✓ Submit CMR online semi-annually.
- ✓ Designate Pollution Control Officer and apply for accreditation.
- ✓ Improve housekeeping at powerhouse. Remove unnecessary supplies or things inside powerhouse.

List of Documents Reviewed:

ECC

Submitted by:

JO ANNE JOY M. DAÑAL-VILLERO
Senior EMS

Recommending Approval

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

Approval:

FOR. MANUEL J. SACEDA, JR.
OIC Chief, EMED

Noted:

REYNALDO B. BARRA, PME
OIC, Regional Director

