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

DEC 10 2021

DENR-PAB Case No. 08-000129-21-A

FIRM FUEL FILLING STATION

Brgy. Inguihan, Bato, Leyte

Thru: **JOHN REY AGUILAR**
 Managing Head/Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
 RELEASED BY: 12-13-21
 DATE: 12-13-21
 TIME: 12:00

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 Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) of this Office last **08 September 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating two (2) units underground fuel storage tanks, without the required Permit to Operate for Air Pollution Sources Installations since 08 September 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 **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-09-15

Date of Survey/Inspection: September 8, 2021

Mission Order No.: EMBR8-2021-013938

1. GENERAL INFORMATION

Name of Establishment: FIRM FUEL FILLING STATION		
Address: Brgy. Inguihan, Bato, Leyte		Geo Coordinates: 10.3465°N, 124.81502°E
Nature of Business: Fuel Refilling Station		
PSIC Code: 47300, 4661	Product:	Year Established: 2013
Operating hours/day: 24 hours	Operating days/week: 7 days	Operating days/year: 365 days

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
Name of Managing Head:	MR. JOHN REY AGUILAR	
Name of PCO:	MR. JOHN REY AGUILAR	
PCO Accreditation No.:		Date of Effectivity:
Phone/Fax:	(0955) 624 2314	Email:

2. PURPOSE OF INSPECTION

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

New Renewal

PMPIN Application

Hazardous Waste ID Registration

Hazardous Waste Transporter Registration

Hazardous waste TSD Registration

Permit to Operate Air Pollution Control Installation

Discharge Permit

Others _____

New**Renewal**☐☐☐☐☐☐☐☐☐☐☐☐☐☐

- ☒
- 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	MS. JESSA YUSON
Position / Designation	Cashier

3. COMPLIANCE STATUS
3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	RO8-1108-0083	09-14-2011	
	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.	1
Type (Brand/Model)	Underground Tanks (2)
Rated Capacity	10.857 KL & 6.560 KL
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
Notes	

Emission Source Data Information	
Emission Source No.	2
Type (Brand/Model)	"YAMADA" Diesel Engine
Rated Capacity	16.53 KVA (13.23 KW)
Fuel Type & Quantity	Diesel
Operating Capacity	
Control Facility	Muffler
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.			✓	
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:					
1). The establishment was in normal operation during the time of monitoring 2). The gasoline station has two (2) units underground tank with a capacity of 10.857 KL for Premium Gasoline and another 6.560 KL for Diesel. These products were provided with two (2) units dispensing machine and provided with four (4) nozzles each. 3). It was provided with one (1) unit 16.53 KVA (13.23 KW) "YAMADA" diesel engine for use during power shortage. 4). The project is operating without Permit to Operate for the two (2) units underground tank. 5). No Accredited Pollution Control Officer.					

Remarks and Recommendation:

1. Per DENR Memorandum Circular No. 2020-17 (Guidelines on the Issuance of Permit to Operate), stand-by generator sets with capacity of 1-15 KW are not required to secure Permit to Operate.
2. For issuance of Notice of Violation (NOV) in violation of Section 1, Rule XIX of DENR Administrative Order (DAO) 2004-26, amending DAO 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81 and in relation further to Pollution Adjudication Board Resolution No. 01, Series of 2019 for operating without valid Permit to Operate of the two (2) units underground tanks.
3. Designated Pollution Control Officer to undergo training and apply for PCO Accreditation.

List of Documents Reviewed:

Copy of Environmental Compliance Certificate No. RO8-1108-0083 issued on September 14, 2011.

Submitted by:


VILMA C. FABILLO
Senior EMS

Recommending Approval:


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

Approved by:


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

Noted by:


ENGR. REYNALDO B. BARRA
OIC, Regional Director