



NOTICE OF VIOLATION

DEC 01 2021

DENR-PAB Case No. 08-000157-21-W

BERTING GASOLINE STATION
Brgy. Padang, Hernani, Eastern Samar

Thru: **NADDY NATIVIDAD**
Managing Head

MARY JANE C. BANDILLA
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY:
DATE: 12/01/2021
TIME: 4:58 PM

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 compliance inspection conducted by the technical personnel of the Provincial Environmental Monitoring Unit (PEMU) – Eastern Samar last **06 September 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without the valid required wastewater Discharge Permit , since 24 July 2020 .	Violation of Section 27 (c) of R.A 9275 in relation to Section 28 of the same Act, 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



ENVIRONMENTAL MANAGEMENT BUREAU REGION 8

COMPLIANCE INSPECTION FOR AIR QUALITY MANAGEMENT



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: AIR - 09 - 03Date of Inspection: SEPTEMBER 6, 2021Mission Order: (TABLE MONITORING)

1. GENERAL INFORMATION

Name of Establishment: **BERTING GASOLINE STATION (NADDY M. NATIVIDAD)**Address: **Brgy. Padang, Hernani, Eastern Samar**

Geo Coordinates:

11.340451° N, 125.616444°ENature of Business: **Gasoline Station**PSIC Code: **4661**Product: **Automotive Fuels**

Year Established:

Operating hours/day:
16Operating days/week:
7Operating days/year:
365

Product Lines

Production Rate as Declared
in the ECC (unit/day)

Actual Production Rate (unit/day)

N/A**N/A****N/A**

Name of Managing Head:

NADDY NATIVIDAD

Name of PCO:

MARY JANE C. BANDILLA

PCO Accreditation No.:

COA-2019-RVIII-0111Date of effectivity: **October 8, 2019**

Phone/Fax:

09195147973Email add: naddym.natividad14@gmail.com/
joybandilla81@gmail.com

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
- COMPLIANCE MONITORING FOR AIR**

Name of Contact Person

JASON OMEGA COST

Position / Designation

Proprietor/PCO

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-RO8-1811-0055	12/28/2018	
	ECC2	N/A		
	ECC3	N/A		
	PCL Compliance Certificate	N/A		
RA 6969	CCO Registry	N/A		
	Permit to Transport	N/A		
	DENR ID	M-GR-26-00387	01/30/2019	
RA 8749	POA No.	16-POA-J-0826-0244	10/05/2018	10/05/2023
RA 9003	ECC for Sanitary Landfill	N/A		
RA 9275	DP No.	DP-ROB-19-01936	07/23/2019	07/23/2020

INFORMATION SHEET FOR EMISSION SOURCES

Emission Source Data Information					
Emission Source No.	1		Emission Source No.		
Type (Brand/Model)	UGT for XCS, XTRA & DEISEL, 8KL & 16KL		Type (Brand/Model)		
Rated Capacity	8KL		Rated Capacity		
Fuel Type & Quantity	Diesel		Fuel Type & Quantity		
Operating Capacity			Operating Capacity		
Control Facility			Control Facility		
Notes: Three (3) Dispensing Pumps (Diesel, Premium & Kerosene)			Notes		

Legal Provision	Regulatory Requirements	Notes			
		Y	N	N/A	Remarks
Rule 19 Section 1	All emission sources have a valid Permit to Operate	✓			With valid PTO
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	✓			
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 Hydrogen Sulfide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 7			√	
	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:

Operating with expired PTO with Reference No. 16-POA-B-0837-0010 issued on February 15, 2016, valid up to February 15, 2021 only.

Remarks and Recommendation:

For the Clearance and Permitting Division (CPD) to issue notice to the Proponent requiring the latter to:

- 1.) Apply for *Permit to Operate Air Pollution Installation (APSI-PTO) Relief* since the valid APSI-PTO issued for the one (1) unit 5 KVA generator set is categorized as exempted for PTO under Annex C of EMB MC 2020-17.
- 2.) Apply for *Permit to Operate Air Pollution Installation (APSI-PTO)* for the three (3) units of UGT ((8kl XCS, 8kl XTRA, and 16kl Diesel) as required under Section 1, Rule XIX of DAO No. 2000-81, in relation to Section 47 of RA 8749.


List of Documents Reviewed:

ECC

Monitored by:


JOSEPHINE L. FUENTES
 Senior EMS/OIC, PEMU Leyte

Approved by:


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

Recommending Approval by:


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

Noted by:


ENGR. REYNALDO B. BARRA
 OIC-Regional Director



MEMORANDUM

FOR : ENGR. REYNALDO B. BARRA
OIC-REGIONAL DIRECTOR
Environmental Management Bureau Region VIII

ATTENTION : ATTY. RODOLFO A. YODICO, III
Head, Legal Unit/Attorney III

FROM : THE UNDERSIGNED

SUBJECT : RECOMMENDATION FOR THE ISSUANCE OF NOTICE OF VIOLATION (NOV) TO BERTING GASOLINE STATION (NADDY M. NATIVIDAD).

DATE : September 29, 2021

Pursuant to the conducted table monitoring through Self-Monitoring Evaluation by the undersigned for BERTING GASOLINE STATION (NADDY M. NATIVIDAD) located in BRGY. PADANG, HERNANI, EASTERN SAMAR on SEPTEMBER 06, 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:

The establishment is operating without a valid Discharge Permit (DP). As per Office record, it has been issued with DP with Reference No. **DP-ROB-19-01936** issued on **July 23, 2019** and valid only until **July 23, 2020**.

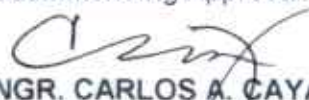
Remarks and Recommendations:

For issuance of Notice of Violation for operating without a valid Discharge Permit which is in violation of Sec. 27 Par. C of RA9275 "The Philippine Clean Water Act of 2004".

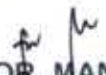
Prepared by:


JOSEPHINE L. FUENTES
Inspector/OIC, PEMU Eastern Samar

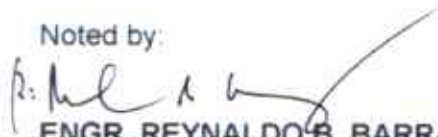
Recommending Approval:


ENGR. CARLOS A. CAYANONG
Chief, Water Air Quality Monitoring Section/
Engineer IV

Approved by:


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

Noted by:


ENGR. REYNALDO B. BARRA.
OIC-Regional Director