



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



NOTICE OF VIOLATION

JAN 28 2022

DENR-PAB Case No. 08-00002-22-A

TRIPLE A FUEL

Purok 6, Brgy. Anislag, Calbayog City, Samar

Thru: **MARIMEL M. ANIBAN**
Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 02/02/2022
TIME: 9:03am

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 Provincial Environmental Monitoring Unit (PEMU) – Samar last **25 October 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating three (3) units Underground Fuel Storage Tanks with respective rated capacities of 10 kl for Unleaded, 20 kl for Premium and 10 kl for Diesel fuels, without a valid Permit to Operate for Air Pollution Source Installations since 25 October 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: _____

Date of Survey/Inspection: OCTOBER 25, 2021Mission Order No.: EMBR8-2021-01**1. GENERAL INFORMATION**

Name of Establishment: TRIPLE A FUEL		
Address: Purok 6, Brgy. Anislag, Calbayog City		Geo Coordinates: Latitude: 12.3590000°N Longitude : 124.3520000°E
Nature of Business: Fuel Retailing		Year Established:
PSIC Code: N/A	Product: FUELS	
Operating hours/day: 12 HRS.	Operating days/week: 6 days	Operating days/year: 360 days

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
Unleaded	n/a	10 KL Unleaded
Premium		20 KL Premium
Diesel		10 KL Diesel
Name of Managing Head:	Marimel M. Aniban	
Name of PCO:	None	
PCO Accreditation No.:	N/A	Date of Effectivity: n/a
Phone/Fax:	09173291321	Email: marimelaniban@gmail.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	Marimel M. Aniban
Position / Designation	Owner/Proponent

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-OL-P08-2020-0091	08/07/2020	n/a
	ECC2	N/A	N/AN/A	N/A
	ECC3	N/A	N/A	
RA 6969	DENR Registry ID	NONE	N/A	N/A
	PCL Compliance Certificate	N/A	N/A	N/A
	CCO Registry	N/A	N/A	N/A
	Permit to Transport	N/A	N/A	N/A
RA 8749	POA No.	NONE	N/A	N/A
RA 9003	ECC for Sanitary Landfill	N/A	N/A	N/A
RA 9275	DP No.	NONE	N/A	N/A

MODULE AQM01: PRE-INSPECTION INFORMATION SHEET FOR EMISSION SOURCES

Emission Source Data Information	
Emission Source No.	1
Type (Brand/Model)	DENYO
Rated Capacity	12 KVA 60 HP
Fuel Type & Quantity	DIESEL
Operating Capacity	OCCASSIONAL
Control Facility	MUFFLER
Notes Standby genset and utilize for operation depending the number of hours of power interruption and/or for emergency use only.	

Emission Source Data Information	
Emission Source No.	n/a
Type (Brand/Model)	n/a
Rated Capacity	n/a
Fuel Type & Quantity	n/a
Operating Capacity	n/a
Control Facility	n/a
Notes n/a	

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			/	Installed at the power room
	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		/		No temporary was issued
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 station is operational during the time of inspection vis-à-vis operating 12 hrs. from Monday to Saturday.
2. Started its operation in March 2020. The station have 2 units dispensing pumps in which 1 unit of 4 nozzles and 1 unit of 2 nozzles. There is an office structure for personnel staff, a canopy with Cashier's booth, 3 units UGT with a capacity of 10kl for unleaded, 20kl for premium and 10kl for diesel fuels, respectively.
3. No PCO designate and/or Accredited.
4. No submission of CMR/SMR.
5. 1 unit of 12KVA generator set installed within the vicinity of a separate Air Pollution Control Facility of the station's office for easy utilization during emergency and/or power interruption.
6. There is an ECC Billboard painted on the concrete wall of the station.
7. The establishment is purely private and considered as white station to retail fuels.

Remarks and Recommendation:

1. For issuance of Notice of Violation for Operating without Permit to Operate Air Pollution Source/Control Installations for their Underground Tanks. In violation of Section 1, Rule XIX, DENR Administrative Order No. 2004-06, amending Section 1 Rule XIX of DAO No. 2000-81, in relation to Section 47 of R.A. 8749, and in relation to PAB Resolution No. 01-2019.


List of Documents Reviewed:

ECC and other local permits and clearances

Submitted by:


DR. ANTONIO A. PINO, Ph. D.
Head, PEMU-SAMAR

Recommending Approval:


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

Approval:


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

Noted:


ENGR. REYNALDO B. BARRA, PME
OIC, Regional Director