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

DEC 10 2021

DENR-PAB Case No. 08-000127-21-A

**SOLA GASOLINE REFILLING STATION (PETRON)**  
 Shamrock Poblacion, Tabango, Leyte

Thru: **PANFILO M. PELAYO**  
 Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU  
 RELEASED BY: \_\_\_\_\_  
 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 **14 September 2021**.

**ACTS CONSTITUTING THE VIOLATION**

Finding/s	Prohibited Act/s
Operating three (3) units underground fuel storage tanks, without the required <b>Permit to Operate</b> for Air Pollution Sources Installations, since <b>14 September 2021</b> .	Violation of <b>Section 1, Rule XIX of DENR Administrative Order (DAO) No. 2004-26</b> , amending DAO 2000-81, in relation to <b>Section 1, Rule LVI of DAO 2000-81</b> , in relation further to <b>Pollution Adjudication Board Resolution No. 01, Series of 2019</b> .

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-09-22Date of Survey/Inspection: **14 September 2021**Mission Order No.: **EMBR8-2021-014432****1. GENERAL INFORMATION**Name of Establishment: **Sola Gasoline Refilling Station (Petron)**  
(Proponent: *Panfilo M. Pelayo*)Address: **Shamrock Poblacion Tabango, Leyte**Geo Coordinates: **11.31294°N, 124.37637°E**Nature of Business: **Gasoline Station**PSIC Code: **4661**Product: **Gasoline & Diesel**Year Established: **2015**Operating hours/day: **15 hrs**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)
N/A		
Name of Managing Head:	<b>Panfilo M. Pelayo</b>	
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
<input type="checkbox"/> 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"/>

- ☒
- 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

Sherralou Jalop

Position / Designation

In-Charge



3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-RO8-1407-0079	07/30/2014	N/A
	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 SHEET FOR EMISSION SOURCES

Emission Source Data Information	
Emission Source No.	1
Type (Brand/Model)	UGTs
Rated Capacity	1 UGT with 10kL
	1 UGT with 6kL
	1 UGT with 6kL
Fuel Type & Quantity	Diesel and gasoline
Operating Capacity	
Control Facility	
Notes: UGTs as Fuel Storage	

Emission Source Data Information	
Emission Source No.	N/A
Type (Brand/Model)	
Rated Capacity	
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
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:

- Sola Gasoline Refilling Station Project of Panfilo Pelayo has been issued an Environmental Compliance Certificate, ECC-R08-1407-0079, on July 30, 2014 whose project location is in Shamrock Poblacion Tabango, Leyte. At present, this gas station is Petron. The gas station was operational during the time of inspection.
- The gas station has the following facilities: two (2) fuel dispensing machines with 2 dispensing pumps each, cashier booth, comfort rooms and three (3) Under Ground Tanks as fuel storage tanks with tank capacities 10 kL, 6kL and 6kL.
- Generator provided in the gas station has a rated capacity of 12 kW. As per Annex C of EMB MC No. 2020-17, stationary generator set engines with capacity 1-15 kW is exempted for Permit to Operate (PTO) or not required to secure PTO.
- However, based on records, no Permit to Operate has been issued to this gas station for operating UGTs.
- No submission of the required semi-annual Compliance Monitoring Report (CMR) was likewise noted.


**Remarks and Recommendation:**

- For issuance of **Notice of Violation** for Operating UGTs without the valid Permit to Operate which is non-compliance to Section 1, Rule XIX of DENR Administrative Order (DAO) No. 2004-26 amending DAO 2000-21, in relation to Section 1, Rule LVI of DAO 2000-81, in relation further to Pollution Adjudication Board Resolution No. 01, series of 2019., "All sources of air pollution ..... must have a valid Permit to Operate issued by the Director."
- Also, the Proponent is to secure Discharge Permit for the domestic wastewater generated from its comfort rooms.
- The Proponent is to submit online its 1<sup>st</sup> Semester 2021 CMR thru [online.emb.gov.ph/cmr](http://online.emb.gov.ph/cmr)

**List of Documents Reviewed:**

ECC Copy

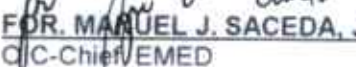
Submitted by:

  
**LEDANE JOY M. LAURENTE**  
Engineer II

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